

## EIGHTY-SECOND DAY

(Continued)

(Tuesday, June 13, 1939)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Morse.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, as we have asked Thy guidance in the past, we pray now that from our successes and our failures Thou wilt bring good, and that in Thine own way our actions may be directed of Thee and our work acceptable unto Thee. To that end wilt Thou guide our minds and our activities. In Jesus' name. Amen."

## LEAVE OF ABSENCE GRANTED

(By unanimous consent)

Mr. Bond for today, on account of important business, on motion of Mr. Morris.

## MESSAGE FROM THE SENATE

Austin, Texas, June 13, 1939.  
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following:

S. C. R. No. 61, Setting sine die adjournment for Wednesday, June 21, provided same is adopted by the House not later than one o'clock p. m., Tuesday, June 13.

Has passed

S. B. No. 492, A bill to be entitled "An Act providing relief for the Clyde Independent School District of Callahan County, Texas, in order to aid said school district in rebuilding its properties, and equipping its schools destroyed by the cyclone or tornado which struck the community of Clyde on June 10, 1938, and declaring an emergency."

The Senate has adopted the Conference Committee Report on House Bill No. 195 by the following vote: Yeas, 26; Nays, 0.

Respectfully submitted,

BOB BARKER,

Secretary of the Senate.

## SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate, was laid before the

House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 492, to the Committee on Appropriations.

## HOUSE BILL ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Howington:

H. B. No. 1140, A bill to be entitled "An Act to repeal the population brackets of House Bill No. 170, in lines 11, 12, and 13, of page 2, and the first three lines in Section 7, on page 6, of the enrolled bill, passed at the Regular Session of the Forty-sixth Legislature, the same being a County School Superintendent's Salary bill, and declaring an emergency."

Referred to the Committee on Education.

## MOTIONS TO INTRODUCE CERTAIN BILLS

Mr. Davis of Upshur moved to introduce the following bill:

H. B. No. ...., A bill to be entitled "An Act to amend Article 2955 of Chapter 5 of the Revised Civil Statutes of the State of Texas of 1925; providing for qualifications of electors to vote upon amendments to the Constitution of the State of Texas; providing a savings clause, and declaring an emergency."

The motion was lost by the following vote:

Yeas—53

Allison	Gordon, Mrs.
Baker of Grayson	Hale
Bell	Hankamer
Boyer	Hardin
Bradbury	Howington
Brown	Hunt
of Nacogdoches	Isaacks
Burkett	Kern
Burney	King
Chambers	Lehman
Cockrell	Lock
Cornett	Loggins
Corry	McFarland
Crossley	McMurry
Davis of Jasper	Monkhouse
Davis of Upshur	Morris
Dickson	Pevehouse
Dowell	Ragsdale
Fuchs	Rhodes
Galbreath	Roberts

Robinson  
Spencer  
Talbert  
Tarwater  
Taylor  
Tennant  
Thornberry

Thornton  
Turner  
Weldon  
Westbrook  
White  
Wood  
Worley

## Nays—60

Allen	Kennedy
Alsup	Kerr
Bailey	Langdon
Blankenship	Leyendecker
Boethel	Little
Boyd	Mays
Bradford	McAlister
Bray	McDonald
Broadfoot	McNamara
Bundy	Mohrmann
Cauthorn	Nicholson
Clark	Pace
Cleveland	Reader of Bexar
Coleman	Reader of Erath
Colquitt	Reaves
Colson, Mrs.	Riviere
Derden	Roach
Dickison	Russell
Donaghey	Schuenemann
Faulkner	Segrist
Felty	Shell
Ferguson	Smith of Frio
Fielden	Smith of Hopkins
Gilmer	Stinson
Hamilton	Stoll
Hardeman	Vint
Harper	Waggoner
Harrell of Bastrop	Wells
Harrell of Lamar	Wilson
Johnson of Ellis	Wright

## Absent

Anderson	Kersey
Baker	Kinard
of Fort Bend	Leonard
Bridgers	London
Brown of Cherokee	McDaniel
Celaya	Montgomery
Daniel	Newell
Goodman	Oliver
Harp	Petsch
Harris	Piner
Hartzog	Pope
Holland	Reed
Howard	Skiles
Hull	Vale
Johnson of Tarrant	Voigt
Keith	Winfree

## Absent—Excused

Bond	Heflin
Dean	Smith
Dwyer	of Matagorda

Mr. Bell moved to introduce the following bill:

By Mr. Bell:

H. B. No. .... A bill to be entitled "An Act to prohibit the sale of Barbituric Acid (Diethylbarbituric Acid) or derivatives and compounds thereof under any copyrighted or chemical names except to wholesale drug houses, chemical houses, hospitals and dispensing pharmacies or practicing physicians, dentist or veterinarian; providing that the same may not be dispensed except by a practicing physician, dentist or veterinarian or retail pharmacy on prescriptions written by a legally qualified practicing physician, dentist or veterinarian; providing certain rules and regulations; prescribing a penalty for the violation of this Act, and declaring an emergency."

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## Yeas—81

Allen	Johnson of Ellis
Allison	Johnson of Tarrant
Alsup	Kinard
Baker of Grayson	King
Bell	Lehman
Boethel	Leyendecker
Boyd	Little
Boyer	Lock
Bradford	Loggins
Bray	McDonald
Broadfoot	McFarland
Brown of Cherokee	McMurry
Burkett	Monkhouse
Celaya	Montgomery
Clark	Morris
Cleveland	Oliver
Cockrell	Pace
Cornett	Piner
Colson, Mrs.	Ragsdale
Crossley	Reader of Bexar
Daniel	Reader of Erath
Davis of Jasper	Reed
Davis of Upshur	Riviere
Derden	Roach
Dickison	Roberts
Dowell	Robinson
Felty	Segrist
Ferguson	Shell
Galbreath	Smith of Frio
Gordon, Mrs.	Spencer
Hale	Talbert
Hamilton	Tarwater
Harp	Taylor
Harrell of Lamar	Tennant
Howington	Thornberry
Hunt	Thornton
Isaacks	Turner

Weldon  
Wells  
White  
Winfree

Wood  
Worley  
Wright

## Nays—34

Bailey	Kennedy
Blankenship	Kern
Bradbury	Kerr
Bundy	Kersey
Cauthorn	McAlister
Chambers	McDaniel
Coleman	McNamara
Corry	Mohrmann
Dickson	Newell
Faulkner	Pevehouse
Fielden	Rhodes
Fuchs	Russell
Hankamer	Stinson
Hardin	Stoll
Harrell of Bastrop	Waggoner
Holland	Westbrook
Keith	Wilson

## Present—Not Voting

Brown  
of Nacogdoches

Harper

## Absent

Anderson	Leonard
Baker	London
of Fort Bend	Mays
Bridgers	Nicholson
Burney	Petsch
Colquitt	Pope
Donaghey	Reaves
Goodman	Schuenemann
Hardeman	Skiles
Harris	Smith of Hopkins
Hartzog	Vale
Howard	Vint
Hull	Voigt
Langdon	

## Absent—Excused

Bond	Gilmer
Dean	Smith
Dwyer	of Matagorda
Heflin	

Mr. Boyd moved to introduce the following bill:

By Mr. Boyd:

H. B. No. . . . , A bill to be entitled "An Act to repeal House Bill No. 373, Act of the Regular Session of the Forty-sixth Legislature, and providing for the sale and lease of public free school lands, and declaring an emergency."

The motion was lost by the following vote:

## Yeas—42

Allen	King
Baker	Lehman
of Fort Bend	Lock
Baker of Grayson	McDonald
Boyd	Newell
Brown of Cherokee	Oliver
Burney	Ragsdale
Cleveland	Roberts
Cockrell	Skiles
Cornett	Smith of Hopkins
Davis of Jasper	Spencer
Dickison	Talbert
Hale	Tarwater
Hardin	Thornberry
Harp	Turner
Harrell of Lamar	Weldon
Holland	Wells
Hull	Westbrook
Hunt	White
Isaacks	Wood
Keith	Worley
Kerr	

## Nays—81

Allison	Harper
Alsup	Harrell of Bastrop
Bailey	Hartzog
Bell	Howington
Blankenship	Johnson of Ellis
Boethel	Johnson of Tarrant
Boyer	Kennedy
Bradford	Kern
Bray	Kersey
Bridgers	Kinard
Broadfoot	Langdon
Brown	Leyendecker
of Nacogdoches	Little
Bundy	Loggins
Cauthorn	McAlister
Chambers	McDaniel
Clark	McFarland
Coleman	McMurry
Colquitt	McNamara
Colson, Mrs.	Mohrmann
Crossley	Monkhouse
Daniel	Montgomery
Davis of Upshur	Nicholson
Dickson	Pace
Dowell	Piner
Dwyer	Pope
Faulkner	Reader of Erath
Felty	Reaves
Fielden	Rhodes
Fuchs	Riviere
Galbreath	Roach
Gilmer	Robinson
Goodman	Russell
Gordon, Mrs.	Segrist
Hamilton	Shell
Hankamer	Smith of Frio
Hardeman	Stinson

Taylor  
Tennant  
Thornton  
Voigt

Waggoner  
Wilson  
Winfree  
Wright

Absent

Anderson  
Bradbury  
Burkett  
Celaya  
Corry  
Derdin  
Donaghey  
Ferguson  
Harris  
Howard  
Leonard

London  
Mays  
Morris  
Petsch  
Pevehouse  
Reader of Bexar  
Reed  
Schuenemann  
Stoll  
Vale  
Vint

Absent—Excused

Bond  
Dean  
Heflin

Smith  
of Matagorda

Mr. Cockrell moved to introduce the following bill:

By Mr. Cockrell, Mr. Kern, Mr. Allison and Mr. Lehman:

H. B. No. —, A bill to be entitled "An Act to provide that the Members of the House of Representatives, Members of the Senate, and the Governor of the State of Texas shall serve without pay from the date of passage of this Act until such time as legislation shall be passed to provide funds for the payment of Old Age Assistance, and declaring an emergency."

The motion was lost by the following vote:

Yeas—54

Allen  
Allison  
Bailey  
Baker  
of Fort Bend  
Boyd  
Boyer  
Bradbury  
Brown of Cherokee  
Brown  
of Nacogdoches  
Bundy  
Burney  
Cockrell  
Colson, Mrs.  
Cornett  
Daniel  
Davis of Jasper  
Dickison  
Dowell  
Faulkner  
Hale

Hardin  
Harp  
Harper  
Harrell of Lamar  
Holland  
Howington  
Hunt  
Johnson of Ellis  
Kennedy  
Kern  
Kerr  
Lehman  
Little  
Lock  
Loggins  
Nicholson  
Oliver  
Reader of Erath  
Riviere  
Roach  
Roberts  
Robinson

Russell  
Skiles  
Spencer  
Stoll  
Taylor  
Turner

Voigt  
Weldon  
Westbrook  
White  
Worley  
Wright

Nays—61

Alsup  
Baker of Grayson  
Bell  
Blankenship  
Boethel  
Bradford  
Bray  
Bridgers  
Burkett  
Cauthorn  
Chambers  
Coleman  
Colquitt  
Crossley  
Davis of Upshur  
Derdin  
Dickson  
Donaghey  
Felty  
Ferguson  
Fuchs  
Galbreath  
Gilmer  
Goodman  
Gordon, Mrs.  
Hankamer  
Hardeman  
Harrell of Bastrop  
Isaacks  
Johnson of Tarrant  
Leyendecker

Mays  
McAlister  
McDaniel  
McDonald  
McFarland  
McMurry  
McNamara  
Mohrmann  
Monkhouse  
Montgomery  
Morris  
Newell  
Pace  
Piner  
Pope  
Ragsdale  
Reaves  
Reed  
Rhodes  
Segrist  
Smith of Frio  
Smith of Hopkins  
Stinson  
Tennant  
Thornberry  
Thornton  
Waggoner  
Wells  
Wilson  
Wood

Absent

Anderson  
Broadfoot  
Celaya  
Clark  
Cleveland  
Corry  
Fielden  
Hamilton  
Harris  
Hartzog  
Howard  
Hull  
Keith  
Kersey  
Kinard

King  
Langdon  
Leonard  
London  
Petsch  
Pevehouse  
Reader of Bexar  
Schuenemann  
Shell  
Talbert  
Tarwater  
Vale  
Vint  
Winfree

Absent—Excused

Bond  
Dean  
Dwyer

Heflin  
Smith  
of Matagorda

# MOTION TO INTRODUCE CERTAIN RESOLUTION

Mr. Goodman moved to introduce the following resolution:

By Mr. Goodman, Mr. Bradbury, Mr. Derden, Mr. Bridgers, Mr. Burkett, Mr. Cornett, Mr. Burney, Mr. Reaves, Mr. Russell, Mr. Westbrook, Mr. Reader of Erath, Mr. Hunt, Mr. Kennedy, Mr. Stinson, Mr. Hankamer, Mr. Corry, Mr. Harper, Mr. McDaniel, Mr. Hamilton, Mr. Brown of Nacogdoches, Mr. Alsup, Mr. Leyendecker, Mr. Isaacks, Mr. Ferguson, Mr. Spencer, Mr. Celaya, Mr. Nicholson, Mr. Holland, Mr. Rhodes, Mr. Dickison, Mr. Hartzog, Mr. Kersey, Mr. Hale, Mr. Harris, Mr. Pevehouse, Mr. Baker of Fort Bend, Mr. Voigt, Mr. Johnson of Ellis, Mr. Johnson of Tarrant, Mr. Mays, Mr. Newell, Mr. Segrist, Mr. Harrell of Lamar, Mr. Clark, Mr. Shell and Mr. Reed:

H. J. R. No. ...., Proposing an amendment to Article VIII of the Constitution of the State of Texas, to be known as Section 9(a), Article VIII, authorizing counties to levy a tax not exceeding fifteen cents (15c) on the One Hundred Dollars valuation for the exclusive purpose of providing for the support and maintenance of indigent citizens of such counties who are unable to support and maintain themselves and who have no other means of supporting and maintaining themselves, and providing that expenditures for such purpose shall not exceed money actually collected, and that no pledge of such taxes not actually collected at time pledge is made shall be valid."

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## Yeas—65

Allison	Colquitt
Alsup	Cornett
Baker	Crossley
of Fort Bend	Daniel
Baker of Grayson	Davis of Upshur
Boyd	Derden
Boyer	Dickison
Bradford	Faulkner
Bridgers	Ferguson
Brown of Cherokee	Goodman
Burkett	Hamilton
Burney	Hankamer
Clark	Harp
Cleveland	Harrell of Lamar
Cockrell	Hunt

Isaacks	Riviere
Johnson of Ellis	Roberts
Johnson of Tarrant	Robinson
Kennedy	Russell
Kersey	Segrist
Kinard	Skiles
Leyendecker	Spencer
Lock	Stinson
Loggins	Taylor
McDaniel	Tennant
McFarland	Thornberry
McMurry	Turner
Montgomery	Vale
Oliver	Weldon
Pevehouse	Westbrook
Reader of Erath	Wilson
Reaves	Winfree
Reed	Worley

## Nays—49

Allen	Langdon
Bailey	Lehman
Bell	Little
Blankenship	McAlister
Boethel	McDonald
Bray	McNamara
Broadfoot	Mohrmann
Bundy	Morris
Chambers	Newell
Coleman	Pace
Dickson	Piner
Donaghey	Pope
Dowell	Ragsdale
Felty	Rhodes
Fuchs	Roach
Galbreath	Smith of Frio
Gilmer	Smith of Hopkins
Gordon, Mrs.	Talbert
Hale	Thornton
Hardin	Vint
Harper	Waggoner
Harrell of Bastrop	Wells
Howington	Wood
Kern	Wright
Kerr	

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Anderson	Howard
Bradbury	Hull
Cauthorn	Keith
Celaya	King
Colson, Mrs.	Leonard
Corry	London
Davis of Jasper	Mays
Fielden	Monkhouse
Hardeman	Nicholson
Harris	Petsch
Hartzog	Reader of Bexar
Holland	Schuenemann

Shell  
Stoll  
Tarwater

Voigt  
White

Absent—Excused

Bond  
Dean  
Dwyer

Heflin  
Smith  
of Matagorda

# **BILL ORDERED NOT PRINTED**

(By unanimous consent)

On motion of Mr. Thornberry, House Bill No. 1135 was ordered not printed.

# **RELATIVE TO HOUSE BILL NO. 1078**

On motion of Mr. Howard, and by unanimous consent of the House, the caption of House Bill No. 1078 was ordered amended to conform to all changes and with the body of the bill.

# **HOUSE JOINT RESOLUTION NO. 45 ON SECOND READING**

The Speaker laid before the House, on its second reading and passage to engrossment,

H. J. R. No. 45, Proposing an amendment to Article 8, Section 9, of the Constitution of the State of Texas by adding a new Section thereto to be known as Section 9-A; providing that the Commissioners Court of Red River County, after a majority vote of the resident qualified electors owning taxable property therein, shall have the authority to levy a tax of not to exceed Twenty-five (25c) Cents on the One Hundred (\$100.00) Dollar valuation for a period not exceeding fifteen (15) years for the purpose of refunding the outstanding warrant indebtedness of the General Fund of the County by the issuance of bonds under the provisions of the general laws regulating the refunding of outstanding debts of the County; providing for the necessary proclamation; and appropriating funds to defray the expenses of the proclamation; publication and election.

The resolution was read second time.

(Mr. Leonard in the Chair.)

Mr. Boyer offered the following amendment to the resolution:

Amend House Joint Resolution No. 45, Section 4 thereof, by adding the following: "provided that no election shall be held until Red River County

shall first deposit with the State Treasurer the sum of \$5,000.00 with which to pay such expense of said election."

(Speaker in the Chair.)

Mr. Wells moved to table the amendment by Mr. Boyer.

The motion to table was lost.

Question then recurring on the amendment by Mr. Boyer, it was adopted.

Mr. Wood moved to table House Joint Resolution No. 45.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

# **Yeas—37**

Allen	Heflin
Anderson	Johnson of Tarrant
Baker of Grayson	Kennedy
Boyer	Kinard
Bradford	King
Broadfoot	McAlister
Bundy	McFarland
Colquitt	Nicholson
Colson, Mrs.	Pace
Crossley	Pevehouse
Dickison	Ragsdale
Dickson	Reed
Donaghey	Roach
Felty	Schuenemann
Gilmer	Shell
Gordon, Mrs.	Smith of Frio
Hardeman	Voigt
Harper	Wood
Hartzog	

# **Nays—95**

Allison	Cockrell
Alsop	Coleman
Bailey	Cornett
Baker	Corry
of Fort Bend	Davis of Upshur
Bell	Derden
Blankenship	Dowell
Boethel	Faulkner
Boyd	Ferguson
Bradbury	Fielden
Bray	Fuchs
Brown of Cherokee	Galbreath
Brown	Hamilton
of Nacogdoches	Hankamer
Burkett	Hardin
Burney	Harp
Cauthorn	Harrell of Bastrop
Celaya	Harrell of Lamar
Chambers	Holland
Clark	Howard
Cleveland	Howington

Hunt	Rhodes
Isaacks	Riviere
Johnson of Ellis	Roberts
Keith	Robinson
Kern	Russell
Kerr	Segrist
Kersey	Skiles
Langdon	Smith of Hopkins
Lehman	Spencer
Leonard	Stinson
Leyendecker	Stoll
Little	Talbert
Lock	Tarwater
London	Taylor
Mays	Tennant
McDaniel	Thornberry
McDonald	Thornton
McMurry	Turner
McNamara	Vale
Mohrmann	Vint
Monkhouse	Waggoner
Montgomery	Weldon
Morris	Wells
Newell	White
Petsch	Wilson
Piner	Winfree
Reader of Bexar	Worley
Reader of Erath	

## Present—Not Voting

Reaves

## Absent

Bridgers	Hull
Daniel	Loggins
Davis of Jasper	Oliver
Goodman	Pope
Hale	Westbrook
Harris	Wright

## Absent—Excused

Bond	Smith
Dean	of Matagorda
Dwyer	

Mr. Gilmer submitted the following motion:

Whereas, House Joint Resolution No. 45 proposes to amend the Constitution so as to authorize the Commissioners Court of Red River County to issue bonds and levy a tax for a period of years for the purpose of "refunding all outstanding warrant indebtedness of the General Fund of such County" without specifying or limiting the indebtedness to be refunded to that which is legally due by said County; and

Whereas, It is acknowledged a serious question exists as to whether or not the warrants sought to be refunded are legal and valid obligations

of such County and by reason of such question a further question occurs, as to whether or not bonds issued to refund such outstanding warrants would be valid and constitute a legal obligation of such County.

Therefore, Be It Resolved, That the Attorney General of the State of Texas be requested to investigate such question and give an opinion advising whether or not such bonds would constitute a valid and legal obligation of such County. In view of the short time remaining such opinion is requested by 10:00 o'clock a. m., Thursday, June 15, 1939.

There was no objection offered, and it was so ordered.

House Joint Resolution No. 45 was then passed to engrossment by the following vote:

Yeas—97

Allison	Howington
Bailey	Hunt
Baker	Isaacks
of Fort Bend	Johnson of Ellis
Bell	Johnson of Tarrant
Blankenship	Keith
Boyd	Kern
Bradbury	Kerr
Bray	Kersey
Brown of Cherokee	King
Brown	Langdon
of Nacogdoches	Leonard
Burkett	Leyendecker
Burney	Little
Cauthorn	Lock
Celaya	London
Chambers	Mays
Clark	McDaniel
Cockrell	McDonald
Coleman	McMurry
Cornett	McNamara
Corry	Mohrmann
Derden	Monkhouse
Dickison	Montgomery
Donaghey	Morris
Dowell	Newell
Faulkner	Oliver
Ferguson	Petsch
Fielden	Piner
Fuchs	Reader of Bexar
Galbreath	Reader of Erath
Goodman	Reaves
Hankamer	Rhodes
Harper	Riviere
Harrell of Bastrop	Roberts
Harrell of Lamar	Robinson
Harris	Russell
Heflin	Segrist
Holland	Skiles
Howard	Smith of Hopkins

Spencer	Vale
Stinson	Vint
Stoll	Weldon
Talbert	Wells
Tarwater	Westbrook
Taylor	White
Tennant	Wilson
Thornberry	Winfree
Thornton	Worley
Turner	

## Nays—39

Allen	Hartzog
Alsup	Hull
Anderson	Kennedy
Baker of Grayson	Kinard
Boethel	Lehman
Boyer	McAlister
Bradford	McFarland
Broadfoot	Nicholson
Bundy	Pace
Colquitt	Pevehouse
Colson, Mrs.	Ragsdale
Crossley	Reed
Davis of Upshur	Roach
Dickson	Schuenemann
Felty	Shell
Gilmer	Smith of Frio
Gordon, Mrs.	Voigt
Hale	Waggoner
Hardeman	Wood
Hardin	

## Absent

Bridgers	Harp
Cleveland	Loggins
Daniel	Pope
Davis of Jasper	Wright
Hamilton	

## Absent—Excused

Bond	Smith
Dean	of Matagorda
Dwyer	

PROVIDING FOR ADJOURNMENT  
SINE DIE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 61, Providing for adjournment sine die.

Be It Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Regular Session of the Forty-sixth Legislature of the State of Texas do stand adjourned sine die on Wednesday, June 21, 1939, at 12:00 o'clock noon.

This resolution is conditioned that it be adopted by the House of Repre-

sentatives not later than 1:00 p. m., Tuesday, June 13, 1939, otherwise this resolution shall be null and void.

The resolution was read second time.

Mr. Harrell of Lamar moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—56

Allison	Kerr
Bailey	King
Baker of Grayson	Langdon
Boethel	Lock
Boyd	Loggins
Brown of Cherokee	London
Brown of Nacogdoches	Mays
Burney	McNamara
Cornett	Montgomery
Daniel	Newell
Davis of Jasper	Oliver
Davis of Upshur	Piner
Derden	Reader of Erath
Dickson	Rhodes
Faulkner	Spencer
Ferguson	Stoll
Hale	Tennant
Hamilton	Thornberry
Harper	Turner
Harrell of Bastrop	Vint
Harrell of Lamar	Voigt
Harris	Weldon
Heflin	Wells
Hunt	Westbrook
Isaacks	White
Keith	Wilson
Kennedy	Winfree
Kern	Worley

## Nays—82

Allen	Clark
Alsup	Cockrell
Anderson	Coleman
Baker of Fort Bend	Colquitt
Bell	Colson, Mrs.
Blankenship	Corry
Boyer	Crossley
Bradbury	Donaghey
Bradford	Dowell
Bray	Felty
Bridgers	Fielden
Bundy	Fuchs
Burkett	Galbreath
Cauthorn	Gilmer
Celaya	Goodman
Chambers	Gordon, Mrs.
	Hankamer



Hardeman	Petsch
Hardin	Pevehouse
Harp	Ragsdale
Hartzog	Reader of Bexar
Holland	Reaves
Howard	Reed
Howington	Riviere
Hull	Roberts
Johnson of Ellis	Robinson
Johnson of Tarrant	Russell
Kersey	Schuenemann
Kinard	Segrist
Lehman	Shell
Leonard	Skiles
Leyendecker	Smith of Frio
Little	Smith of Hopkins
McAlister	Stinson
McDaniel	Talbert
McDonald	Tarwater
McFarland	Taylor
McMurry	Thornton
Mohrmann	Vale
Monkhouse	Waggoner
Nicholson	Wright
Pace	

## Absent

Broadfoot	Pope
Cleveland	Roach
Dickson	Wood
Morris	

## Absent—Excused

Bond	Smith
Dean	of Matagorda
Dwyer	

Mr. Petsch offered the following amendment to the resolution:

Amend resolution, by changing the date to Saturday, June 17, at 12:30 p. m.

Mr. Bradford moved the previous question, on the pending amendment, and the resolution, and the main question was ordered.

Mr. Petsch asked unanimous consent of the House, that the above amendment be amended so as to read June 24 instead of June 17.

There was objection offered.

Mr. Petsch then moved to reconsider the vote by which the previous question was ordered.

The motion to reconsider prevailed.

Question then recurring on the motion for the previous question, it was lost.

Mr. Petsch then withdrew the above amendment, and offered the following amendment:

Amend resolution, by changing the date to Saturday, June 24, at 12:30 p. m.

Mr. Bradford moved the previous question, on the pending amendment, and the resolution, and the main question was ordered.

Question recurring on the amendment by Mr. Petsch, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—37

Bailey	Lehman
Bell	Leonard
Boyd	Loggins
Broadfoot	London
Brown of Cherokee	Newell
Celaya	Oliver
Colquitt	Pace
Daniel	Pevehouse
Dowell	Reader of Erath
Ferguson	Rhodes
Fuchs	Robinson
Gordon, Mrs.	Spencer
Hale	Tennant
Harp	Voigt
Harper	Wells
Harrell of Lamar	White
Harris	Winfree
Kennedy	Wood
Langdon	

## Nays—101

Allen	Davis of Jasper
Allison	Davis of Upshur
Alsup	Derden
Anderson	Dickison
Baker	Donaghey
of Fort Bend	Faulkner
Baker of Grayson	Felty
Blankenship	Fielden
Boyer	Galbreath
Bradbury	Gilmer
Bradford	Goodman
Bray	Hamilton
Bridgers	Hankamer
Brown	Hardeman
of Nacogdoches	Hardin
Bundy	Harrell of Bastrop
Burkett	Hartzog
Burney	Heflin
Cauthorn	Holland
Chambers	Howard
Clark	Howington
Cleveland	Hull
Cockrell	Hunt
Colson, Mrs.	Isaacks
Cornett	Johnson of Ellis
Corry	Johnson of Tarrant
Crossley	Keith

Kern	Roberts
Kerr	Russell
Kersey	Schuenemann
Kinard	Segrist
King	Shell
Leyendecker	Skiles
Little	Smith of Frio
Lock	Smith of Hopkins
Mays	Stinson
McAlister	Stoll
McDaniel	Talbert
McDonald	Tarwater
McFarland	Taylor
McMurry	Thornberry
McNamara	Thornton
Mohrmann	Turner
Monkhouse	Vale
Nicholson	Vint
Piner	Waggoner
Pope	Weldon
Ragsdale	Westbrook
Reaves	Wilson
Reed	Worley
Riviere	Wright
Roach	

Present—Not Voting

Coleman

Absent

Boethel	Morris
Dickson	Petsch
Montgomery	Reader of Bexar

Absent—Excused

Bond	Smith
Dean	of Matagorda
Dwyer	

Question then recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—96

Allen	Chambers
Alsop	Clark
Anderson	Cleveland
Baker	Cockrell
of Fort Bend	Coleman
Baker of Grayson	Colquitt
Bell	Colson, Mrs.
Blankenship	Corry
Boethel	Crossley
Boyer	Davis of Upshur
Bradbury	Dickson
Bradford	Donaghey
Bray	Dowell
Bridgers	Faulkner
Bundy	Felty
Burkett	Fielden
Cauthorn	Fuchs
Celaya	Galbreath

Gilmer	Montgomery
Goodman	Nicholson
Gordon, Mrs.	Pace
Hankamer	Pevehouse
Hardeman	Pope
Hardin	Ragsdale
Harp	Reader of Bexar
Harper	Reaves
Hartzog	Reed
Holland	Rhodes
Howard	Riviere
Howington	Roberts
Hull	Robinson
Johnson of Ellis	Russell
Johnson of Tarrant	Schuenemann
Kersey	Segrist
Kinard	Shell
King	Skiles
Lehman	Smith of Frio
Leonard	Smith of Hopkins
Leyendecker	Stinson
Little	Talbert
Loggins	Tarwater
Mays	Taylor
McAlister	Thornton
McDaniel	Vale
McDonald	Voigt
McFarland	Waggoner
McMurry	Wood
Mohrmann	Wright
Monkhouse	

Nays—49

Allison	Kerr
Bailey	Langdon
Boyd	Lock
Broadfoot	London
Brown of Cherokee	McNamara
Brown of Nacogdoches	Morris
Burney	Newell
Cornett	Oliver
Daniel	Petsch
Davis of Jasper	Piner
Derden	Reader of Erath
Dickison	Roach
Ferguson	Spencer
Hale	Stoll
Hamilton	Tennant
Harrell of Bastrop	Thornberry
Harrell of Lamar	Turner
Harris	Vint
Heflin	Weldon
Hunt	Wells
Isaacks	Westbrook
Keith	White
Kennedy	Wilson
Kern	Winfree
	Worley

Absent—Excused

Bond	Smith
Dean	of Matagorda
Dwyer	

Mr. Thornton moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

# SENATE BILL NO. 179 ON PASSAGE TO THIRD READING

The Speaker laid before the House, as special order, on its passage to third reading,

S. B. No. 179, A bill to be entitled "An Act to amend Sections 13, 15, and 7 of House Bill No. 247, Chapter 44, Acts of the Regular Session of the Forty-third Legislature as amended by House Bill No. 749, Chapter 240, Acts of the Regular Session of the Forty-fourth Legislature, providing for refund of tax upon motor fuel used for purposes other than use in a motor vehicle operated upon the public highways, etc., and declaring an emergency."

The bill having heretofore been read second time.

Mr. Fuchs offered the following committee amendment to the bill:

Amend Senate Bill No. 179, by adding after the word "attached" on page 6, line 10, the following words: "duplicate copy of", and in line 13, on same page, after the word "the", the words: "duplicate copy of".

The amendment was adopted.

Mr. Stinson offered the following amendment to the bill:

Amend Senate Bill No. 179, by adding a new paragraph to Section 15 to be designated as (c) to read as follows:

"No manifest shall be required of drivers of motor buses of a transportation company, operating under a franchise of a city or town of the State when such buses are supplied with gasoline which has been purchased by said company in accordance with the provision of this Act."

(Mr. Thornton in the Chair.)

Mr. Hardeman moved to table the amendment by Mr. Stinson.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—61

Allen	Kerr
Alsup	Kersey
Bailey	King
Boethel	Lehman
Boyer	Leyendecker
Bray	Lock
Broadfoot	Mays
Bundy	Monkhouse
Burkett	Newell
Cauthorn	Nicholson
Chambers	Oliver
Clark	Rhodes
Cornett	Riviere
Crossley	Roberts
Davis of Jasper	Robinson
Derden	Russell
Donaghey	Skiles
Faulkner	Spencer
Ferguson	Stoll
Fuchs	Tarwater
Gilmer	Vale
Hardeman	Vint
Hardin	Voigt
Harp	Waggoner
Harper	Weldon
Harris	Wells
Heflin	Westbrook
Holland	Wood
Johnson of Ellis	Worley
Keith	Wright
Kennedy	

## Nays—47

Bell	Kern
Blankenship	Leonard
Boyd	McAlister
Bradbury	McDaniel
Bradford	McFarland
Bridgers	McMurry
Brown	McNamara
of Nacogdoches	Mohrmann
Burney	Pace
Cleveland	Petsch
Cockrell	Pevhouse
Colquitt	Piner
Daniel	Pope
Galbreath	Ragsdale
Goodman	Reader of Erath
Gordon, Mrs.	Reed
Hale	Segrist
Hankamer	Stinson
Harrell of Bastrop	Taylor
Howington	Tennant
Hull	Thornberry
Hunt	Turner
Isaacks	White
Johnson of Tarrant	Wilson

## Absent

Allison	Baker
Anderson	of Fort Bend

Baker of Grayson	Langdon
Brown of Cherokee	Little
Celaya	Loggins
Coleman	London
Colson, Mrs.	McDonald
Corry	Montgomery
Davis of Upshur	Morris
Dickison	Reader of Bexar
Dickson	Reaves
Dowell	Roach
Felty	Schuenemann
Fielden	Shell
Hamilton	Smith of Frio
Harrell of Lamar	Smith of Hopkins
Hartzog	Talbert
Howard	Thornton
Kinard	Winfree

## Absent—Excused

Bond	Smith
Dean	of Matagorda
Dwyer	

Mr. Russell offered the following amendment to the bill:

Amend Senate Bill No. 179, on line 26, page 8, by striking out the words and figures "30", and substitute in lieu thereof, the following: "75".

Mr. Faulkner moved to table the amendment.

The motion to table was lost.

Question then recurring on the amendment by Mr. Russell, it was adopted.

Mr. Goodman offered the following amendment to the bill:

Amend Senate Bill No. 179, by adding a new Subsection to Section 2, to be lettered (c) and reading as follows:

"(c) Provided, however, the provisions of the laws of this State requiring manifest when the foregoing commodities are being transported in a tank, barrel, cask, receptacle or container of any kind in excess of seventy-five (75) gallons, shall not apply to fuel tanks of vehicles operated under a franchise granted by any city or town; or to the fuel tanks of vehicles operated in this State under certificates of convenience and necessity issued by the Railroad Commission of Texas."

GOODMAN,  
JOHNSON of Tarrant.

Mr. Russell moved to table the amendment by Mr. Goodman.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—95

Allen	Kerr
Alsup	King
Bailey	Langdon
Baker	Lehman
of Fort Bend	Leyendecker
Baker of Grayson	Little
Bell	London
Boethel	Mays
Boyd	McFarland
Boyer	McMurry
Bray	McNamara
Bridgers	Mohrmann
Broadfoot	Morris
Bundy	Newell
Burkett	Nicholson
Cauthorn	Oliver
Celaya	Pace
Chambers	Petsch
Clark	Pevehouse
Cleveland	Piner
Colquitt	Reader of Erath
Crossley	Reaves
Daniel	Reed
Davis of Jasper	Rhodes
Derden	Riviere
Dickison	Roach
Donaghey	Roberts
Dowell	Russell
Faulkner	Skiles
Ferguson	Smith of Frio
Fuchs	Smith of Hopkins
Galbreath	Stoll
Gilmer	Talbert
Gordon, Mrs.	Tarwater
Hamilton	Taylor
Hardeman	Tennant
Hardin	Thornberry
Harp	Turner
Harper	Vale
Harrell of Lamar	Vint
Harris	Voigt
Holland	Waggoner
Howard	Wells
Hunt	Westbrook
Isaacks	Wilson
Keith	Wood
Kennedy	Worley
Kern	Wright

## Nays—26

Allison	Dickson
Anderson	Goodman
Blankenship	Harrell of Bastrop
Bradbury	Heflin
Bradford	Howington
Burney	Hull
Cockrell	Johnson of Tarrant
Davis of Upshur	Leonard

McAlister	Segrist
McDaniel	Spencer
Monkhouse	Stinson
Montgomery	Weldon
Robinson	Winfree

Present—Not Voting  
Brown  
of Nacogdoches

Absent

Brown of Cherokee	Kinard
Coleman	Lock
Colson, Mrs.	Loggins
Cornett	McDonald
Corry	Pope
Felty	Ragsdale
Fielden	Reader of Bexar
Hale	Schuenemann
Hankamer	Shell
Hartzog	Thornton
Johnson of Ellis	White
Kersey	

Absent—Excused

Bond	Smith
Dean	of Matagorda
Dwyer	

Mr. Kersey moved to reconsider the vote by which the amendment by Mr. Russell was adopted.

Mr. Russell moved to table the motion to reconsider.

Question—Shall the motion to table prevail?

#### RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 188, Authorizing the Enrolling Clerk to make certain changes in House Bill No. 387.

H. C. R. No. 192, In memory of Hon. Richard W. Mayfield.

#### RECESS

Mr. Derden moved that the House recess until 1:30 o'clock p. m., today.

Mr. Worley moved that the House recess until 2:30 o'clock p. m., today.

Mr. Hull moved that the House recess until 3:00 o'clock p. m., today.

The motion of Mr. Worley prevailed, and the House, accordingly, at 11:50 o'clock p. m., took recess until 2:30 o'clock p. m., today.

#### AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

#### LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Hankamer for this afternoon, on account of important business, on motion of Mr. Cauthorn.

Mr. Hardeman temporarily for this afternoon, on account of important business, on motion of Mr. Leonard.

Mr. Daniel temporarily for this afternoon, on account of important business, on motion of Mr. Langdon.

#### MESSAGE FROM THE SENATE

Austin, Texas, June 13, 1939.  
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on Senate Bill No. 240, by the following vote: Yeas, 31; Nays, 0.

The Senate has adopted:

Conference Committee Report on House Bill No. 249, by the following vote: Yeas, 30; Nays, 1.

S. C. R. No. 57, Establishing a Texas Commission on Interstate Cooperation.

S. C. R. No. 62, Be it resolved by the Senate of Texas, the House of Representatives concurring, that F. P. Adams, Judge of the 1st Judicial District of Texas be granted permission to be absent from the State of Texas while his courts are in vacation during the years of 1939 and 1940.

H. C. R. No. 180, Authorizing the State Highway Department of Texas to give to the School Board of Prairie Point Common School District No. 10 of Montague County sufficient quantities of discarded guard wire for purposes as set out.

The Senate has passed:

H. B. No. 1126, A bill to be entitled "An Act making an appropriation of the sum of Seventy-five Thousand (\$75,000) Dollars or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses and per diem of Members, and

declaring an emergency." (With amendments.)

H. B. No. 864, A bill to be entitled "An Act amending Article 3991 of the Revised Civil Statutes of the State of Texas of 1925, so that default judgment may be taken in Justice Court or County Court in Forcible Entry and Detainer proceedings, and declaring an emergency."

H. B. No. 865, A bill to be entitled "An Act amending Article 3985 of the Revised Civil Statutes of the State of Texas of 1925, so that default judgment may be taken in Justice Court in Forcible Entry and Detainer proceedings, and declaring an emergency."

H. B. No. 1078, A bill to be entitled "An Act amending Sections 1 and 3 of Article 1105B of the 1925 Revised Civil Statutes of Texas, enacted by Acts of the First Called Session, Fortieth Legislature, 1927, page 489, Chapter 106; authorizing incorporated cities, towns and villages incorporated under either General or Special Law, including those operating under a special charter or charter adopted pursuant to the home rule provisions of the Constitution, or any amendment or amendment thereto, to cause to be improved streets, avenues, alleys, highways, boulevards, drives, public places, squares, or any portions thereof; etc., and declaring an emergency." (Amended.)

H. B. No. 1079, A bill to be entitled "An Act to aid San Jacinto River Conservation and Reclamation District embracing the Counties of Montgomery, Walker, San Jacinto, and all that part of Liberty County embraced in the San Jacinto watershed in carrying out the powers, duties, and functions conferred upon such District by the Legislature; granting and donating to such District, with limitations, for a period of ten (10) years, fifty (50) per cent of all the State ad valorem taxes for general revenue purposes upon the property and from persons in counties comprising in whole or in part such District; etc., and declaring an emergency."

H. B. No. 1130, A bill to be entitled "An Act releasing all penalty and interest accrued on ad valorem city and independent school district taxes which were delinquent on July 1, 1938, in all cities in this State having a population of not less than one hundred thousand (100,000) nor more

than one hundred and twenty thousand (120,000) by the last preceding Federal Census, and in which the city council shall by proper resolution so determine; provided said taxes are paid on or before August 15, 1939; etc., and declaring an emergency."

The Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 1104.

The following have been appointed on the part of the Senate: Senators Sulak, Stone of Washington, Lanning, Hill and Lemens.

The Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 723.

The following have been appointed on the part of the Senate: Senators Head, Lanning, Stone of Washington, Lemens and Weinert.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 190

Mr. Allison submitted the following Conference Committee Report on House Bill No. 190:

June 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House.

Sirs: We, your Conference Committee appointed to adjust differences between the Senate and the House on House Bill No. 190, have met and beg leave to recommend that House Bill No. 190 be passed in the form hereto attached.

Respectfully submitted,

NELSON,

KELLEY,

AIKIN,

MARTIN,

STONE of Galveston,

On the part of the Senate.

ALLISON,

RUSSELL,

VINT,

TENNANT,

PETSCH,

On the part of the House.

H. B. No. 190,

## A BILL

## To Be Entitled

An Act making it unlawful to obtain with intent to defraud, money, goods, service, labor, or other thing of value, by giving or drawing any check, draft, or order upon any bank, person, firm, or corporation, if the person drawing or giving such instrument does not at the time it is so given or drawn have sufficient funds with the drawee to pay such instrument and all other checks, drafts, or orders upon such funds outstanding at the time such instrument is given or drawn; providing nonpayment of such instrument upon presentation to be prima facie evidence that the maker or giver thereof had insufficient funds with the drawee to pay same at the time made or given and that the maker or giver thereof gave or drew such instrument with intent to defraud; and providing proof of the deposit of such instrument with a bank for collection and return thereof to depositor unpaid to be prima facie evidence of presentation and nonpayment; and providing notice of protest to be prima facie evidence of presentation to drawee and nonpayment; and further making it unlawful to pay for any goods, service, labor, or other thing of value with intent to defraud, by giving or drawing a check, draft, or order upon any bank, person, firm, or corporation, if the person giving or drawing such instrument does not at the time it is so given or drawn have sufficient funds with the drawee to pay such instrument and all other checks, drafts, or orders upon such funds outstanding at the time such instrument is given or drawn; providing non payment of such instrument upon presentation to be prima facie evidence that the maker or giver thereof had insufficient funds with the drawee to pay same at the time made or given and that the maker or giver thereof, gave or drew such instrument with intent to defraud; and providing proof of the deposit of such instrument with a bank for collection and return thereof to depositor unpaid to be prima facie evidence of presentation and nonpayment; and providing notice of protest to be prima facie evidence of presentment to drawee and nonpayment; and further making it un-

lawful to secure or retain possession of any personal property to which a lien has attached by the drawing or giving of any check, draft, or order upon any bank, person, firm, or corporation, if the person drawing or giving such instrument does not at the time it is so drawn or given have sufficient funds with the drawee to pay such instrument and all other checks, drafts, or orders upon such funds outstanding at the time such instrument is given or drawn; providing nonpayment of such instrument upon presentation to be prima facie evidence that the maker or giver thereof had insufficient funds with the drawee to pay same at the time made or given and that the maker or giver thereof gave or drew such instrument with intent to defraud; and providing proof of the deposit of such instrument with a bank for collection and return thereof to a depositor unpaid to be prima facie evidence of presentation and nonpayment; providing notice of protest to be prima facie evidence of presentment to drawee and nonpayment; and providing removal of such personal property from the premises where located at the time such instrument is drawn or given to be prima facie evidence that possession of such property was retained or secured by the giving of such instrument; making it unlawful for any person who has theretofore filed a complaint with a district or county attorney concerning a violation of certain sections of this Act, or who has given information to a district or county attorney resulting in the acceptance of a complaint concerning such violations, or who has testified before a grand jury concerning such violations which returns an indictment thereon, to request or suggest to the district or county attorney in charge of the prosecution that prosecution be dismissed; providing for the issuance of process and the summoning and remuneration of witnesses in prosecution under certain Sections of this Act; repealing Section 4 of Article 1546 of the Penal Code of the State of Texas, Revision of 1925; providing punishment for violation; providing a saving clause, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for

any person, with intent to defraud, to obtain any money, goods, service, labor, or other thing of value by giving or drawing any check, draft, or order upon any bank, person, firm or corporation, if such person does not, at the time said check, draft, or order is so given or drawn, have sufficient funds with such bank, person, firm or corporation to pay such check, draft, or order, and all other checks, drafts, or orders upon said funds outstanding at the time such check, draft, or order was so given or drawn; provided that if such check, draft, or order is not paid upon presentation, the nonpayment of same shall be prima facie evidence that such person giving or drawing such check, draft, or order had insufficient funds with the drawee to pay same at the time the said check, draft, or order was given or drawn and that said person gave or drew such check, draft, or order with intent to defraud; and provided further that proof of the deposit of said check, draft, or order with a bank for collection in the ordinary channels of trade and the return of said check, draft, or order unpaid to the person making such deposit shall be prima facie evidence of presentation to, and non payment of said check, draft, or order by, the bank, person, firm or corporation upon whom it was drawn; and provided further that where such check, draft, or order has been protested, the notice of protest thereof shall be admissible as proof of presentation and nonpayment and shall be prima facie evidence that said check, draft, or order was presented to the bank, person, firm or corporation upon which it was drawn and was not paid.

Sec. 2. It shall be unlawful for any person, with intent to defraud, to pay for any goods, service, labor, or other thing of value, theretofore received, by giving or drawing any check, draft, or order upon any bank, person, firm, or corporation, if such person does not, at the time said check, draft, or order is so given or drawn, have sufficient funds with such bank, person, firm, or corporation to pay such check, draft, or order, and all other checks, drafts, or orders upon said funds outstanding at the time such check, draft, or order was so given or drawn; provided that such check, draft, or order is not paid upon presentation, the nonpayment of same shall be prima facie evidence that such person giving or

drawing such check, draft, or order had insufficient funds with the drawee to pay same at the time the said check, draft, or order was given or drawn and that said person gave such check, draft, or order with intent to defraud; and provided further that proof of the deposit of said check, draft, or order with bank for collection in the ordinary channels of trade and the return of said check, draft, or order unpaid to the person making such deposit shall be prima facie evidence of presentation to, and non-payment of said check, draft, or order by, the bank, person, firm, or corporation upon whom it was drawn; and provided further that where such check, draft, or order has been protested, the notice of protest thereof shall be admissible as proof of presentation and nonpayment and shall be prima facie evidence that said check, draft, or order was presented to the bank, person, firm or corporation upon which it was drawn and was not paid.

Sec. 3. It shall be unlawful for any person, with intent to defraud, to secure or retain possession of any personal property, to which a lien has attached, by the drawing or giving of any check, draft, or order upon any bank, person, firm or corporation, if such person does not, at the time said check, draft, or order is so given or drawn, have sufficient funds with such bank, person, firm, or corporation to pay such check, draft, or order, and all other checks, drafts, or orders upon said funds outstanding at the time such check, draft, or order so given or drawn; provided that if such check, draft, or order is not paid upon presentation, the nonpayment of same shall be prima facie evidence that such person giving or drawing such check, draft, or order had insufficient funds with the drawee to pay same at the time the said check, draft, or order was given or drawn and that said person gave such check, draft, or order with intent to defraud; and provided further that proof of the deposit of said check, draft, or order with a bank for collection in the ordinary channels of trade and the return of said check, draft, or order unpaid to the person making such deposit shall be prima facie proof of presentation to, and nonpayment of said check, draft, or order by, the bank, person, firm, or corporation upon which it was drawn; and provided further that where such check,



draft, or order has been protested, the notice of protest thereof shall be admissible as proof of presentation and nonpayment and shall be prima facie evidence that said check, draft, or order was presented to the bank, person, firm, or corporation upon which it was drawn and was not paid; and provided further that the removal of such personal property, from the premises upon which it was located at the time such check, draft, or order was drawn or given, shall be prima facie evidence that possession of such property was retained or secured by the giving or drawing of said check, draft, or order.

Sec. 4. For the first conviction for a violation of Sections 1, 2 or 3 of this Act, in the event the check, draft, or order given on any bank, person, firm, or corporation, is Five (\$5.00) Dollars or less, the punishment shall be by imprisonment in the county jail not exceeding two (2) years, or by a fine not exceeding Two Hundred (\$200.00) Dollars. For the first conviction for a violation of Sections 1, 2, or 3 of this Act, in the event the check, draft, or order given on any bank, person, firm or corporation, is in excess of Five (\$5.00) Dollars, but less than Fifty (\$50.00) Dollars, punishment shall be by imprisonment in the county jail not exceeding two (2) years, or by a fine not exceeding Five Hundred (\$500.00) Dollars.

If it be shown on the trial of a case involving a violation of Sections 1, 2, or 3 of this Act in which the check, draft, or order given on any bank, person, firm or corporation, is less than Fifty (\$50.00) Dollars, that the defendant has been once before convicted of the same offense, he shall, on his second conviction, be punished by confinement in the county jail for not less than thirty (30) days nor more than two (2) years.

If it be shown upon the trial of a case involving a violation of Section 1, 2, or 3 of this Act that the defendant has two (2) or more times before been convicted of the same offense, regardless of the amount of the check, draft or order involved in the first two (2) convictions, upon the third or any subsequent conviction, the punishment shall be by confinement in the penitentiary for not less than two (2) nor more than ten (10) years.

For the first conviction for a viola-

tion of Sections 1, 2, or 3 of this Act, in the event the check, draft or order given upon any bank, person, firm or corporation, is in the amount of Fifty (\$50.00) Dollars or more, punishment shall be by confinement in the penitentiary for not less than two (2) years nor more than ten (10) years.

Sec. 5. In all prosecutions under Sections 1, 2 and 3 of this Act, process shall be issued and served in the county or out of the county where the prosecution is pending and have the same binding force and effect as though the offense being prosecuted were a felony; and all officers issuing and serving such process in or out of the county wherein the prosecution is pending, and all witnesses from within or without the county wherein the prosecution is pending, shall be compensated in like manner as though the offense were a felony in grade.

Sec. 6. If any person who has theretofore filed a complaint with any District or County Attorney of this State alleging a violation of Sections 1, 2, or 3 of this Act, or who has furnished information to any such District or County Attorney which has resulted in the acceptance by such District or County Attorney of such a complaint, or who has testified concerning such a violation before a grand jury of this State which has thereafter returned an indictment on such violation, shall suggest to or request the County or District Attorney in charge of such prosecution, that such case be dismissed, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars.

Sec. 7. Section 4 of Article 1546 of the Penal Code of the State of Texas as revised in 1925 be, and the same is hereby repealed.

Sec. 8. If any Section, Subsection, clause, phrase, or sentence of this Act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each Section, Subsection, clause, phrase, or sentence thereof, irrespective of the fact that one or more of the Sections, Subsections, clauses, phrases, or sentences be declared unconstitutional.

Sec. 9. The fact that the number of checks, drafts and orders drawn and negotiated upon banks, persons, firms and corporations, without funds to pay such checks, is increasing within the State, and that the laws of the State of Texas are not now sufficient to cope with such situation, and that the giving of such checks, drafts and orders imposes an undue hardship and burden upon the people of the State of Texas, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is so suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Allison, the Report was adopted by the following vote:

## Yeas—108

Allen	Galbreath
Allison	Gilmer
Alsup	Goodman
Bailey	Gordon, Mrs.
Baker	Hamilton
of Fort Bend	Hardeman
Baker of Grayson	Harp
Bell	Harper
Blankenship	Harrell of Lamar
Boethel	Hartzog
Boyd	Heflin
Bradbury	Holland
Bradford	Howington
Bridgers	Hunt
Brown of Cherokee	Johnson of Ellis
Brown	Johnson of Tarrant
of Nacogdoches	Kennedy
Bundy	Kern
Burney	Kerr
Burkett	Kersey
Cauthorn	Kinard
Celaya	Langdon
Chambers	Lehman
Clark	Leonard
Cleveland	Leyendecker
Cockrell	Little
Colquitt	Lock
Cornett	Loggins
Corry	London
Crossley	McAlister
Daniel	McDaniel
Derden	McDonald
Dickison	McFarland
Dickson	McMurry
Felty	McNamara
Ferguson	Monkhouse
Fielden	Montgomery
Fuchs	Newell

Oliver	Smith
Petsch	of Matagorda
Pevehouse	Spencer
Piner	Stinson
Reader of Erath	Stoll
Reaves	Talbert
Reed	Taylor
Rhodes	Tennant
Riviere	Thornberry
Roach	Thornton
Roberts	Vale
Robinson	Voigt
Russell	Weldon
Segrist	Wells
Skiles	White
Smith of Frio	Wilson
Smith of Hopkins	Winfree
	Worley

## Nays—11

Bray	Hull
Broadfoot	Mohrmann
Davis of Jasper	Waggoner
Davis of Upshur	Westbrook
Dowell	Wright
Faulkner	

## Absent

Anderson	Mays
Boyer	Morris
Coleman	Nicholson
Colson, Mrs.	Pace
Donaghey	Pope
Hale	Ragsdale
Hardin	Reader of Bexar
Harrell of Bastrop	Schuenemann
Harris	Shell
Howard	Tarwater
Isaacks	Turner
Keith	Vint
King	Wood

## Absent—Excused

Bond	Dwyer
Dean	Hankamer

Mr. Allison moved to reconsider the vote by which the Conference Committee Report on House Bill No. 190 was adopted, and to table the motion to reconsider.

The motion to table prevailed.

## SENATE BILL NO. 179 ON PAS-SAGE TO THIRD READING

The Speaker laid before the House, as pending business, Senate Bill No. 179, Providing for refund of tax upon motor fuel used for purposes other than use in a motor vehicle operating upon public highways, roads or streets

in the State of Texas, on its second reading and passage to third reading.

The bill having heretofore been read second time, with motion, by Mr. Kersey, to reconsider the vote by which the amendment, by Mr. Russell, was adopted, and motion, by Mr. Russell, to table the motion to reconsider, pending.

The motion to table prevailed.

(Mr. Thornton in the Chair.)

Mr. Russell offered the following amendment to the bill:

Amend Senate Bill No. 179, by adding thereto Section 3-a, to read as follows:

"That Section 12, subdivision (b) of House Bill No. 247, Chapter 44, Acts of the Regular Session of the Forty-third Legislature, as amended by House Bill No. 749, Chapter 240, Acts of the Forty-fourth Legislature, Regular Session, be amended so as to hereafter read, as follows:

"(b) All persons operating trucks, pipelines and other conveyances as common carriers in the transportation of motor fuel into and from this State, exclusive of railroads, shall render a sworn report to the Comptroller not later than the 20th of each month, showing a description of the truck or other conveyances in which the same was transported on such forms as shall be prescribed by the Comptroller, which was transported by such persons during the preceding month. There shall also be included in said report full data concerning the diversion of shipments enroute as amount to a change from interstate to intrastate and intrastate to interstate commerce. Such report shall show the points of origin and destination, the number of gallons shipped, the date, the consignee and the consignor and the kind of motor fuel. All persons operating railroads as common carriers in the transportation of motor fuel into and from this State, shall, as and when requested by the Comptroller, and in such form as may be prescribed, render, not later than the 20th of the following month, a sworn report for the preceding month, or for such other period or periods as may be requested, showing a description of the tank car or other conveyance in which the same was transported and shall render such other information concerning diversion

of or change of shipments enroute from interstate to intrastate commerce or intrastate to interstate commerce, as may be required by the Comptroller. Provided that no report be made by any such persons transporting motor fuel in quantities of less than twenty (20) gallons."

The amendment was adopted.

Mr. Celaya offered the following amendment to the bill:

Amend committee substitute for Senate Bill No. 179, page 3, line 8, after the word "distributor", add the following: "who does not already have a permit to sell motor fuel."

The amendment was adopted.

Mr. Clark offered the following amendment to the bill:

Amend committee substitute for Senate Bill No. 179, page 11, by adding the following just before Section 4:

"In the event the Comptroller shall have an audit made, and the audit shall show that taxes are due by the distributor, he shall furnish a copy of such audit together with all working papers to the distributor. The distributor shall have ten (10) days from the date of the receipt of such audit to show to the Comptroller that the audit is incorrect, and in the event the Comptroller shall determine that his audit is correct, he shall so notify the distributor of such fact, and the distributor shall within five (5) days thereafter if he so desires, file a sworn denial setting up the amount of taxes actually paid and the amount actually due, and in the event such sworn statement denies that there are taxes due, then and in that event, the Comptroller shall file suit in some court of competent jurisdiction in the county of the residence of the distributor for the collection of such taxes and the forfeiture of the permit of the distributor. No other court shall have jurisdiction to hear and determine said controversy other than as set out in this Section."

CLARK,  
CELAYA.

The amendment was adopted.

Mr. Celaya moved the previous question, on the passage of Senate Bill No. 179 to third reading, and the motion was not seconded.

By unanimous consent of the House, the caption of the bill was ordered

amended to conform to all changes and with the body of the bill.

Senate Bill No. 179 was then passed to third reading.

### SENATE BILL NO. 179 ON THIRD READING

Mr. Hardeman moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 179 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—119

Allen	Hardeman
Allison	Hardin
Alsup	Harper
Anderson	Harrell of Lamar
Bailey	Harris
Baker of Grayson	Hartzog
Bell	Holland
Blankenship	Howard
Boethel	Howington
Bond	Johnson of Ellis
Boyd	Johnson of Tarrant
Bradbury	Keith
Bray	Kennedy
Bridgers	Kern
Broadfoot	Kerr
Brown of Cherokee	Kersey
Bundy	Kinard
Burkett	King
Cauthorn	Langdon
Celaya	Lehman
Chambers	Leyendecker
Clark	Little
Cleveland	Lock
Cockrell	London
Colquitt	Mays
Colson, Mrs.	McDonald
Cornett	McFarland
Crossley	Mohrmann
Davis of Jasper	Montgomery
Davis of Upshur	Morris
Dean	Newell
Derden	Nicholson
Dickison	Pace
Dickson	Petsch
Dowell	Pevehouse
Faulkner	Piner
Felty	Pope
Ferguson	Reader of Bexar
Fielden	Reader of Erath
Fuchs	Reaves
Galbreath	Reed
Gilmer	Rhodes
Gordon, Mrs.	Riviere
Hale	Roach
Hamilton	Roberts

Robinson	Tennant
Russell	Thornberry
Schuenemann	Turner
Segrist	Vint
Shell	Waggoner
Skiles	Weldon
Smith of Frio	Wells
Smith of Hopkins	Westbrook
Spencer	White
Stinson	Wilson
Stoll	Winfree
Talbert	Wood
Tarwater	Worley
Taylor	Wright

Nays—9

Boyer	McAlister
Bradford	McDaniel
Burney	McNamara
Goodman	Monkhouse
Leonard	

Present—Not Voting

Brown  
of Nacogdoches

Absent

Baker	Isaacks
of Fort Bend	Loggins
Coleman	McMurry
Corry	Oliver
Donaghey	Ragsdale
Harp	Smith
Harrell of Bastrop	of Matagorda
Heflin	Thornton
Hull	Vale
Hunt	Voigt

Absent—Excused

Daniel	Hankamer
Dwyer	

The Chair then laid Senate Bill No. 179 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—110

Allen	Broadfoot
Allison	Brown of Cherokee
Anderson	Brown
Bailey	of Nacogdoches
Baker of Grayson	Bundy
Bell	Burkett
Blankenship	Cauthorn
Boethel	Celaya
Bond	Chambers
Boyd	Clark
Bradbury	Cleveland
Bray	Cockrell
Bridgers	Colquitt

Colson, Mrs.	Morris
Cornett	Newell
Crossley	Nicholson
Davis of Jasper	Pace
Derden	Petsch
Dickison	Pevehouse
Dickson	Piner
Dowell	Pope
Faulkner	Reader of Bexar
Felty	Reader of Erath
Ferguson	Reaves
Fielden	Reed
Fuchs	Rhodes
Galbreath	Roach
Gilmer	Roberts
Gordon, Mrs.	Robinson
Hale	Russell
Hardeman	Schuenemann
Harp	Segrist
Harper	Shell
Harrell of Lamar	Skiles
Hartzog	Smith of Frio
Holland	Smith of Hopkins
Howard	Stinson
Howington	Stoll
Isaacks	Talbert
Johnson of Ellis	Tarwater
Johnson of Tarrant	Taylor
Keith	Tennant
Kennedy	Thornberry
Kern	Turner
Kerr	Vint
Kersey	Waggoner
King	Weldon
Leyendecker	Wells
Little	Westbrook
Lock	White
Loggins	Wilson
London	Winfree
McDonald	Wood
McFarland	Worley
Mohrmann	Wright
Montgomery	

## Nays—16

Alsup	Harris
Boyer	Hull
Bradford	Lehman
Burney	Leonard
Davis of Upshur	McAlister
Dean	McDaniel
Goodman	McNamara
Hardin	Monkhouse

## Absent

Baker	Hunt
of Fort Bend	Kinard
Coleman	Langdon
Corry	Mays
Donaghey	McMurry
Hamilton	Oliver
Harrell of Bastrop	Ragsdale
Heflin	Riviere

Smith	Thornton
of Matagorda	Vale
Spencer	Voigt

## Absent—Excused

Daniel	Hankamer
Dwyer	

Mr. Russell moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

## HOUSE BILL NO. 1040 WITH SENATE AMENDMENTS

Mr. Reaves called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 1040, A bill to be entitled "An Act making an appropriation of Three Thousand (\$3,000.00) Dollars, or so much thereof as may be necessary to aid and facilitate the work to be performed by the Lower Concho River Water and Soil Conservation Authority; provided that said appropriation shall be a loan to be repaid to the State of Texas out of the first revenues received by said Authority, and declaring an emergency."

On motion of Mr. Reaves, the House concurred in the Senate amendments by the following vote:

## Yeas—122

Allen	Chambers
Allison	Clark
Alsup	Cleveland
Anderson	Cockrell
Bailey	Colquitt
Baker	Colson, Mrs.
of Fort Bend	Cornett
Bell	Corry
Blankenship	Crossley
Boethel	Davis of Jasper
Bond	Davis of Upshur
Boyd	Derden
Boyer	Dickison
Bradbury	Dowell
Bradford	Faulkner
Bray	Felty
Bridgers	Ferguson
Broadfoot	Fielden
Brown of Cherokee	Galbreath
Brown	Goodman
of Nacogdoches	Gordon, Mrs.
Burkett	Hale
Burney	Hamilton
Cauthorn	Hardeman
Celaya	Hardin

Harp	Pope
Harper	Ragsdale
Harrell of Lamar	Reader of Bexar
Hartzog	Reader of Erath
Holland	Reaves
Howington	Reed
Hunt	Riviere
Johnson of Tarrant	Roach
Kennedy	Roberts
Kern	Robinson
Kerr	Russell
Kersey	Segrist
Kinard	Shell
King	Skiles
Langdon	Smith of Frio
Lehman	Smith of Hopkins
Leyendecker	Spencer
Little	Stinson
Lock	Stoll
Loggins	Talbert
London	Tarwater
Mays	Taylor
McAlister	Tennant
McDaniel	Thornberry
McDonald	Turner
McFarland	Vale
McMurry	Vint
McNamara	Waggoner
Monkhouse	Weldon
Montgomery	Wells
Morris	Westbrook
Newell	White
Oliver	Wilson
Pace	Winfree
Petsch	Wood
Pevehouse	Worley
Piner	Wright

## Absent

Baker of Grayson	Isaacks
Bundy	Johnson of Ellis
Coleman	Keith
Dickson	Leonard
Donaghey	Mohrmann
Fuchs	Nicholson
Gilmer	Rhodes
Harrell of Bastrop	Schuenemann
Harris	Smith
Heflin	of Matagorda
Howard	Thornton
Hull	Voigt

## Absent—Excused

Daniel	Dwyer
Dean	Hankamer

ADOPTION OF CONFERENCE  
COMMITTEE REPORT ON  
SENATE BILL NO. 240

Mr. Boyd submitted the following Conference Committee Report on Senate Bill No. 240:

Austin, Texas, June 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 240, do report that we have had the same under consideration and recommend to the Senate and House of Representatives that it do pass in the form attached hereto.

Respectfully submitted,

BROWNLEE,  
KELLEY,  
WINFIELD,  
BURNS,

On the part of the Senate.

BOYD,  
ALLEN,  
COCKRELL,  
THORNBERRY,

On the part of the House.

S. B. No. 240

## A BILL

To Be Entitled

An Act regulating fishing in Burnet, Llano, San Saba, Lampasas and Travis Counties; providing for size and bag limits of fish caught or taken from lake waters in such Counties and making it unlawful to take or catch fish, except catfish and gasper, from the waters of Buchanan, Inks, Marshall Ford, Marble Falls and Tom Miller (Lake Austin) Lakes except by certain means or the use of certain devices; providing for a closed season in such Lakes and making exceptions; regulating the transportation of minnows; and providing a penalty, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any person to catch, take or have in his possession any black bass less than eleven (11) inches in length;

any white bass less than eleven (11) inches in length; any crappie or white perch less than seven (7) inches in length; any catfish less than nine (9) inches in length, from any hereafter named lakes in said Burnet, Llano, San Saba, Lampasas or Travis Counties.

Section 2. It shall be unlawful for any person to catch and retain in any one day more than ten (10) black bass, ten (10) white bass, ten (10) crappie or white perch, or ten (10) catfish. Provided further that it shall be unlawful for any person to catch and retain from the lakes hereinafter named in the Counties mentioned in Section 1 more than an aggregate of twenty (20) fish in any one day. And it shall be unlawful for any person to have in his possession more than twenty (20) fish at any one time taken from the lakes of the Counties named.

Section 3. It shall be unlawful for any person to transport at any time beyond the borders of the Counties mentioned in Section 1 hereof more than two hundred (200) minnows taken from any of the waters described in this Act; provided that transportation of not more than two hundred (200) minnows from any County to any one of the Counties mentioned herein or from one of such Counties to another shall not be unlawful.

Section 4. No fish shall be taken or caught from Tom Miller (Lake Austin), Marshall Ford, Roy Inks and Buchanan Lakes except by ordinary pole and line, throw line with not more than six (6) hooks, rod and reel, artificial bait, or a trot line with not more than thirty (30) hooks but this Act shall not apply to any waters of the Counties mentioned in Section 1 hereof other than the lake waters herein.

Section 5. No person shall catch or attempt to catch any fish, except catfish and gasper, from the waters of Buchanan, Inks, Marble Falls, Marshall Ford, or Tom Miller (Lake Austin) Lakes during the months of March and April of each year by any means or device. Provided, however, that this Section shall not affect the present laws as to open and closed seasons in the waters of Burnet, San Saba, Llano, Lampasas, and Travis Counties not included within the lake

waters of the lakes mentioned in this Act.

Section 6. Any person violating any Section of this Act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than Ten (\$10.00) Dollars, nor more than Two Hundred (\$200.00) Dollars. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 7. The fact that the laws of this State do not provide adequate protection to all persons in the Counties named herein for the conservation of the fish, and that there is a demand on the part of the fisherman and sportsman in the Counties named for a universal provision applying in the lake sections of Central Texas affected hereby, creates an emergency and an imperative public necessity requiring that the Constitutional Rule requiring bills to be read on three several days be suspended and said Rule is hereby suspended and this Act shall take effect and be in force on and after its passage, and it is so enacted.

On motion of Mr. Boyd, the Report was adopted by the following vote:

Yeas—117

Allen	Colquitt
Allison	Colson, Mrs.
Alsup	Cornett
Anderson	Crossley
Bailey	Davis of Jasper
Baker	Derden
of Fort Bend	Dickison
Baker of Grayson	Dickson
Bell	Faulkner
Blankenship	Felty
Boethel	Ferguson
Bond	Fielden
Boyd	Fuchs
Boyer	Galbreath
Bradbury	Gordon, Mrs.
Bradford	Hale
Bray	Hamilton
Bridgers	Hankamer
Broadfoot	Hardeman
Brown of Cherokee	Hardin
Bundy	Harp
Burkett	Harper
Burney	Harrell of Lamar
Cauthorn	Holland
Celaya	Howington
Chambers	Hunt
Clark	Johnson of Tarrant
Cleveland	Kennedy
Cockrell	Kern

Kerr	Riviere
Kersey	Roach
King	Roberts
Langdon	Robinson
Lehman	Russell
Leyendecker	Schuenemann
Little	Shell
London	Skiles
Mays	Smith of Frio
McAlister	Smith of Hopkins
McDaniel	Spencer
McDonald	Stinson
McFarland	Stoll
McMurry	Talbert
McNamara	Tarwater
Mohrmann	Taylor
Monkhouse	Tennant
Montgomery	Thornberry
Morris	Turner
Newell	Vale
Oliver	Vint
Pace	Waggoner
Pevehouse	Weldon
Piner	Wells
Ragsdale	Westbrook
Reader of Bexar	White
Reader of Erath	Wilson
Reaves	Winfree
Reed	Wood
Rhodes	Worley

## Nays—1

Petsch

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Coleman	Johnson of Ellis
Corry	Keith
Davis of Upshur	Kinard
Donaghey	Leonard
Dowell	Lock
Gilmer	Loggins
Goodman	Nicholson
Harrell of Bastrop	Pope
Harris	Segrist
Hartzog	Smith
Heflin	of Matagorda
Howard	Thornton
Hull	Voigt
Isaacks	Wright

## Absent—Excused

Daniel  
Dean

Dwyer

HOUSE BILL NO. 1126 WITH SEN-  
ATE AMENDMENTSMr. Alsup called up from the  
Speaker's table, with Senate amend-ments, for consideration of the amend-  
ments,

H. B. No. 1126, A bill to be entitled  
"An Act making an appropriation of  
the sum of Seventy-five Thousand  
(\$75,000.00) Dollars or so much  
thereof as may be necessary, out of  
any funds in the State Treasury not  
otherwise appropriated, to pay the  
contingent expenses and per diem of  
Members, and declaring an emer-  
gency."

On motion of Mr. Alsup, the House  
concurred in the Senate amendments  
by the following vote:

## Yeas—123

Allison	Hale
Alsup	Hamilton
Anderson	Hardeman
Bailey	Hardin
Baker	Harp
of Fort Bend	Harper
Bell	Harrell of Lamar
Blankenship	Harris
Boethel	Hartzog
Bond	Heflin
Boyd	Holland
Boyer	Howington
Bradbury	Hunt
Bradford	Johnson of Tarrant
Bray	Keith
Bridgers	Kennedy
Brown of Cherokee	Kern
Bundy	Kerr
Burkett	Kersey
Burney	Kinard
Cauthorn	King
Celaya	Lehman
Chambers	Leyendecker
Clark	Little
Cleveland	Lock
Cockrell	London
Colquitt	Mays
Colson, Mrs.	McAlister
Cornett	McDaniel
Corry	McDonald
Crossley	McFarland
Davis of Jasper	McMurry
Davis of Upshur	McNamara
Derden	Mohrmann
Dickison	Monkhouse
Dickson	Montgomery
Dowell	Morris
Faulkner	Newell
Felty	Pace
Ferguson	Petsch
Fielden	Pevehouse
Fuchs	Piner
Galbreath	Pope
Goodman	Ragsdale
Gordon, Mrs.	Reader of Bexar



Reader of Erath	Talbert	Alsup	Johnson of Tarrant
Reaves	Tarwater	Anderson	Kennedy
Reed	Taylor	Bailey	Kern
Rhodes	Tennant	Baker	Kerr
Riviere	Thornberry	of Fort Bend	Kersey
Roach	Turner	Baker of Grayson	Kinard
Roberts	Vale	Bell	King
Robinson	Vint	Blankenship	Langdon
Schuenemann	Waggoner	Boethel	Lehman
Segrist	Weldon	Bond	Leyendecker
Shell	Wells	Boyd	Little
Skiles	White	Boyer	Lock
Smith of Frio	Wilson	Bradbury	Loggins
Smith of Hopkins	Winfree	Bradford	London
Spencer	Wood	Bray	Mays
Stinson	Worley	Bridgers	McAlister
Stoll	Wright	Broadfoot	McDaniel
		Brown of Cherokee	McDonald
		Brown	McFarland
		of Nacogdoches	McMurry
		Bundy	McNamara
		Burkett	Mohrmann
		Burney	Monkhouse
		Cauthorn	Montgomery
		Celaya	Morris
		Chambers	Newell
		Clark	Oliver
		Cleveland	Pace
		Cockrell	Petsch
		Colquitt	Pevehouse
		Cornett	Piner
		Corry	Pope
		Crossley	Ragsdale
		Davis of Jasper	Reader of Bexar
		Davis of Upshur	Reader of Erath
		Derden	Reaves
		Dickison	Reed
		Dickson	Rhodes
		Dowell	Riviere
		Faulkner	Roach
		Ferguson	Roberts
		Fielden	Robinson
		Fuchs	Russell
		Galbreath	Schuenemann
		Goodman	Segrist
		Gordon, Mrs.	Shell
		Hale	Skiles
		Hamilton	Smith of Frio
		Hankamer	Smith of Hopkins
		Hardeman	Spencer
		Hardin	Stinson
		Harp	Stoll
		Harper	Talbert
		Harrell of Lamar	Tarwater
		Harris	Taylor
		Hartzog	Tennant
		Heflin	Thornberry
		Holland	Turner
		Howard	Vale
		Howington	Vint
		Hull	Waggoner
		Hunt	Weldon
		Johnson of Ellis	Wells

## Nays—4

Allen Russell  
Langdon Westbrook

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Baker of Grayson Johnson of Ellis  
Broadfoot Leonard  
Coleman Loggins  
Donaghey Nicholson  
Gilmer Oliver  
Harrell of Bastrop Smith  
Howard of Matagorda  
Hull Thornton  
Isaacks Voigt

## Absent—Excused

Daniel Dwyer  
Dean Hankamer

HOUSE BILL NO. 982 WITH SEN-  
ATE AMENDMENTS

Mr. Burney called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 982, A bill to be entitled "An Act prescribing the means by which fish may be taken from the waters of Coryell County, prohibiting the sale of catfish taken in that County; repealing all conflicting laws; providing a penalty, and declaring an emergency."

On motion of Mr. Burney, the House concurred in the Senate amendments by the following vote:

## Yeas—133

Allen Allison

Westbrook	Wood	Goodman	Oliver
White	Worley	Gordon, Mrs.	Pace
Wilson	Wright	Hale	Pevehouse
Winfree		Hamilton	Piner
	Absent	Hankamer	Pope
		Hardeman	Ragsdale
Coleman	Keith	Hardin	Reader of Bexar
Colson, Mrs.	Leonard	Harp	Reader of Erath
Donaghey	Nicholson	Harper	Reaves
Felty	Smith	Harrell of Lamar	Reed
Gilmer	of Matagorda	Harris	Rhodes
Harrell of Bastrop	Thornton	Heflin	Riviere
Isaacks	Voigt	Holland	Roach

Absent—Excused

Daniel	Dwyer
Dean	

## HOUSE BILL NO. 1025 WITH SENATE AMENDMENTS

Mr. Burney called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 1025, A bill to be entitled "An Act permitting the use of a one inch net for taking suckers, carp, buffalo and shad from Bosque River, in Hamilton County; prohibiting the use of any other seine or net except a minnow seine; providing a penalty; repealing all conflicting laws, and declaring an emergency."

On motion of Mr. Burney, the House concurred in the Senate amendments by the following vote:

Yeas—129

Allen	Burney
Allison	Cauthorn
Alsup	Celaya
Anderson	Chambers
Bailey	Clark
Baker	Cleveland
of Fort Bend	Colquitt
Baker of Grayson	Colson, Mrs.
Bell	Cornett
Blankenship	Corry
Boethel	Crossley
Bond	Davis of Jasper
Boyd	Davis of Upshur
Boyer	Dean
Bradbury	Derden
Bradford	Dickison
Bray	Dickson
Bridgers	Dowell
Broadfoot	Faulkner
Brown of Cherokee	Felty
Brown	Ferguson
of Nacogdoches	Fielden
Bundy	Fuchs
Burkett	Galbreath

Johnson of Ellis	Segrist
Johnson of Tarrant	Shell
Kennedy	Skiles
Kern	Smith of Frio
Kerr	Spencer
Kersey	Stinson
Kinard	Stoll
King	Talbert
Langdon	Tarwater
Lehman	Taylor
Leyendecker	Tennant
Little	Thornberry
Lock	Turner
London	Vale
Mays	Waggoner
McAlister	Weldon
McDaniel	Wells
McDonald	Westbrook
McFarland	White
McMurry	Wilson
McNamara	Winfree
Monkhouse	Wood
Montgomery	Worley
Morris	Wright
Newell	

Absent

Cockrell	Mohrmann
Coleman	Nicholson
Donaghey	Petsch
Gilmer	Smith of Hopkins
Harrell of Bastrop	Smith
Hartzog	of Matagorda
Isaacks	Thornton
Keith	Vint
Leonard	Voigt
Loggins	

Absent—Excused

Daniel	Dwyer
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BILL ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Hardeman, House Bill No. 1137 was ordered not printed.

**MOTION TO PLACE SENATE BILL  
NO. 155 ON SECOND  
READING**

Mr. Hartzog moved that the necessary rules be suspended, for the purpose of taking up, and considering, at this time,

S. B. No. 155, A bill to be entitled "An Act providing that it shall be unlawful to hunt, take, kill, pursue, catch, possess, buy or sell any game bird, game animal, fish, shrimp, oyster, crabs, diamond back terrapin, fur-bearing animal, or attempt to do so by means, method or device, other than such as may hereafter be permitted; repealing all laws relating thereto, excepting certain laws, and declaring an emergency."

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

**Yeas—72**

Allison	Johnson of Ellis
Alsup	King
Baker	Little
of Fort Bend	Lock
Bond	McAlister
Boyd	McDaniel
Boyer	McDonald
Bradbury	McFarland
Bradford	McMurry
Bridgers	McNamara
Broadfoot	Monkhouse
Brown of Cherokee	Newell
Bundy	Nicholson
Cauthorn	Petsch
Celaya	Pope
Cleveland	Reader of Bexar
Coleman	Reader of Erath
Colquitt	Reed
Colson, Mrs.	Rhodes
Cornett	Riviere
Dean	Roach
Dickison	Roberts
Donaghey	Robinson
Faulkner	Russell
Felty	Schuenemann
Fuchs	Segrist
Gilmer	Shell
Goodman	Stinson
Gordon, Mrs.	Stoll
Hamilton	Taylor
Harp	Tennant
Harper	Thornberry
Harrell of Bastrop	Turner
Hartzog	Vale
Heflin	Wilson
Hull	Wright
Hunt	

**Nays—54**

Allen	Kern
Anderson	Kerr
Bailey	Kersey
Baker of Grayson	Langdon
Blankenship	Lehman
Boethel	Leyendecker
Bray	London
Burkett	Mays
Chambers	Mohrmann
Clark	Montgomery
Cockrell	Morris
Crossley	Pace
Davis of Jasper	Pevehouse
Davis of Upshur	Piner
Dowell	Skiles
Ferguson	Smith of Frio
Fielden	Smith of Hopkins
Galbreath	Spencer
Hale	Talbert
Hardin	Tarwater
Harrell of Lamar	Waggoner
Harris	Weldon
Holland	Wells
Howington	Westbrook
Isaacks	Winfree
Keith	Wood
Kennedy	Worley

**Present—Not Voting**

Brown  
of Nacogdoches

**Absent**

Bell	Oliver
Burney	Ragsdale
Corry	Reaves
Derden	Smith
Dickson	of Matagorda
Howard	Thornton
Johnson of Tarrant	Vint
Kinard	Voigt
Leonard	White
Loggins	

**Absent—Excused**

Daniel	Hankamer
Dwyer	Hardeman

**HOUSE BILL NO. 1078 WITH SEN-  
ATE AMENDMENTS**

Mr. Howard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 1078, A bill to be entitled "An Act amending Sections 1 and 3 of Article 1105B of the 1925 Revised Civil Statutes of Texas, enacted by Acts of the First Called Session, Fortieth Legislature, 1927, page 489, Chapter 106; authorizing incorpor-

ated cities, towns, and villages incorporated under either General or Special Law, including those operating under a special charter or charter adopted pursuant to the home rule provisions of the Constitution, or any amendment or amendments thereto, to cause to be improved streets, avenues, alleys, highways, boulevards, drives, public places, squares, or any portion or portions thereof; to assess part of the cost against abutting property and owners thereof and against railroads, street railroads, or interurbans and the owners thereof, so that such improvements and assessments may be made although such streets, avenues, alleys, highways, boulevards, drives, public places, squares, or any portion or portions thereof lie without the corporate limits of such cities, towns, and villages, if that part to be improved lies immediately adjacent to and adjoins such corporate limits, and although the property abutting thereon is located outside such corporate limits; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

On motion of Mr. Howard, the House concurred in the Senate amendments by the following vote:

Yeas—125

Alsup	Cornett
Anderson	Corry
Bailey	Crossley
Baker	Davis of Jasper
of Fort Bend	Davis of Upshur
Baker of Grayson	Dean
Blankenship	Dickison
Boethel	Dickson
Bond	Dowell
Boyd	Faulkner
Boyer	Felty
Bradbury	Ferguson
Bradford	Fielden
Bray	Fuchs
Bridgers	Galbreath
Broadfoot	Goodman
Brown of Cherokee	Gordon, Mrs.
Bundy	Hale
Burkett	Hamilton
Burney	Hankamer
Cauthorn	Hardin
Celaya	Harp
Chambers	Harper
Clark	Harrell of Bastrop
Cleveland	Harrell of Lamar
Cockrell	Heflin
Coleman	Holland
Colquitt	Howard
Colson, Mrs.	Howington

Hull	Reader of Bexar
Hunt	Reader of Erath
Isaacks	Reaves
Johnson of Ellis	Reed
Johnson of Tarrant	Rhodes
Keith	Riviere
Kennedy	Roach
Kern	Roberts
Kerr	Robinson
Kersey	Russell
King	Segrist
Langdon	Smith of Frio
Lehman	Smith of Hopkins
Leyendecker	Spencer
Little	Stinson
Lock	Stoll
London	Talbert
Mays	Tarwater
McAlister	Taylor
McDonald	Tennant
McFarland	Thornberry
McMurry	Turner
McNamara	Vale
Mohrmann	Vint
Monkhouse	Waggoner
Montgomery	Weldon
Morris	Wells
Newell	Westbrook
Nicholson	White
Pace	Wilson
Petsch	Winfree
Pevehouse	Wood
Piner	Worley
Pope	Wright

Present—Not Voting

Brown  
of Nacogdoches

Absent

Allen	McDaniel
Allison	Oliver
Bell	Ragsdale
Derden	Schuenemann
Donaghey	Shell
Gilmer	Skiles
Harris	Smith
Hartzog	of Matagorda
Kinard	Thornton
Leonard	Voigt
Loggins	

Absent—Excused

Daniel	Hardeman
Dwyer	

#### CONFERENCE COMMITTEES APPOINTED

The Chair announced the appointment of the following Conference Committee on House Bill No. 688: Messrs. Tarwater, Keith, Hankamer, Petsch and Thornton.

The Chair announced the appointment of the following Conference Committee on House Bill No. 723: Mr. Fielden, Mrs. Colson, Messrs. Morris, Harrell of Bastrop and Cockrell.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 926

Mr. Morris submitted the following Conference Committee Report on House Bill No. 926:

Austin, Texas, June 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on House Bill No. 926, beg leave to submit the following report and recommend that it do pass in the form hereto attached.

AIKIN,  
VAN ZANDT,  
WINFIELD,  
STONE of Washington,  
ISELL,

On the part of the Senate.

MORRIS,  
HARRIS,  
HAMILTON,  
SHELL,  
LONDON,

On the part of the House.

H. B. No. 926

A BILL

To Be Entitled

An Act appropriating the sum of Nine Hundred Seventy-seven Thousand, Three Hundred Thirty-two (\$977,332.00) Dollars per year, or so much thereof as may be necessary, for the next biennium beginning September 1, 1939, and ending August 31, 1941, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, general rehabilitation, and rehabilitation for crippled children according to the Federal laws governing vocational education, all of which shall be matched by Federal funds; providing for the administration, attaching conditions, regulations, and limitations relative

thereto, making various allocations of said appropriation; authorizing aid to such schools in accordance with the conditions specified herein; providing for certain regulations concerning qualification of teachers; providing all costs of administering funds named in this Act shall be paid out of monies appropriated in this Act under the authority of the State Superintendent of Public Instruction under the direction of the State Board of Education; defining the powers of the State Board of Education and the State Superintendent; declaring the rule in event any provision of this Act is unconstitutional or invalid; repealing all laws or parts of laws in conflict herewith, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. For the purpose of promoting public school interest and matching Federal funds, there is hereby appropriated out of the General Revenue Fund Nine Hundred Seventy-seven Thousand, Three Hundred Thirty-two (\$977,332.00) Dollars, or so much thereof as may be necessary for the school year ending August 31, 1940, and Nine Hundred Seventy-seven Thousand, Three Hundred Thirty-two (\$977,332.00) Dollars, or so much thereof as may be necessary for the school year ending August 31, 1941, to be allotted and expended by the State Superintendent of Public Instruction under the direction of the State Board of Education.

Sec. 2. The funds appropriated in this Act shall be expended in accordance with all Federal laws and regulations governing vocational education, providing that in schools where equalization funds are received, vocational agriculture, homemaking, trades and industries, and distributive education shall comply with such regulations as set forth in the Equalization Bill.

Sec. 3. Provided that no salary shall be paid for more than nine (9) months except superintendents of accredited schools entitled to six (6) teachers or more. Provided further that vocational agriculture teachers may be paid for twelve (12) months when the superintendent of the school in which they are employed has certified to the State Superintendent of Public Instruction that such teacher

is actually engaged in teaching this work twelve (12) months; and salaries may be paid to vocational home economics teachers not to exceed ten (10) months in any one year. Provided further that no salary shall be paid to trial teachers in vocational schools in excess of Eighteen Hundred (\$1,800.00) Dollars per year for the first two years, and that the salary of any other teacher for this work shall not be consummated until same is approved by the State Department of Education.

Sec. 4. As hereby allocated and set aside the following amounts for the following purposes:

Vocational Agriculture: Three Hundred and Eight Thousand (\$308,000.00) Dollars;

Vocational Home Economics: Two Hundred Forty-two Thousand (\$242,000.00) Dollars;

Trades and Industries: One Hundred Fifty-seven Thousand, Nine Hundred Fifty-eight (\$157,958.00) Dollars;

Rehabilitation: Ninety Four Thousand, Three Hundred Seventy-four (\$94,374.00) Dollars;

Rehabilitation for Crippled Children: One Hundred Seventy-five Thousand (\$175,000.00) Dollars.

Provided the funds herein appropriated for vocational services may be re-allocated with the consent of each of the Directors and with the approval of the State Superintendent of Public Instruction.

Sec. 5. The fact that many schools in this State are desirous of having the services of vocational agriculture teachers and other teachers mentioned in this Act, and the further fact that if these schools receive such services it is absolutely necessary that this appropriation be passed, creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Morris, the Conference Committee Report on House Bill No. 926 was postponed until 11:30 o'clock a. m., tomorrow.

## HOUSE BILL NO. 25 ON THIRD READING

The Chair laid before the House, on its third reading and final passage,

H. B. No. 25, A bill to be entitled "An Act authorizing and directing the Board of Regents of the University of Texas to establish and maintain military training at said institution, and providing that said course of study may consist of various branches of the military service and authorizing the Board of Regents to enter into contracts with the War Department of the United States for the establishment of the Reserve Officers Training Corp at the University of Texas under the National Defense Act, and declaring an emergency."

The bill was read third time.

Mr. McAlister moved that the Rules, relative to debate, be suspended, in order that Mr. Wood's time, which had expired while addressing the House, might be extended.

The roll of the House was called and the vote announced, as follows: Yeas, 84; Nays, 40.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

### Yeas—83

Alsup	Fuchs
Baker	Gilmer
of Fort Bend	Goodman
Blankenship	Gordon, Mrs.
Boyd	Hamilton
Boyer	Harper
Bradford	Harrell of Lamar
Bundy	Harris
Burkett	Hartzog
Cauthorn	Heflin
Celaya	Howington
Chambers	Hull
Clark	Hunt
Cleveland	Isaacks
Colquitt	Johnson of Ellis
Colson, Mrs.	Johnson of Tarrant
Cornett	Kennedy
Davis of Upshur	Kern
Dean	Kerr
Dickison	Kinard
Dickson	King
Dowell	Langdon
Felty	Lehman
Ferguson	Leonard
Fielden	Leyendecker

Little	Riviere
Loggins	Roach
London	Roberts
McAlister	Skiles
McDaniel	Smith of Hopkins
McDonald	Stoll
McFarland	Talbert
McMurry	Taylor
Montgomery	Thornberry
Nicholson	Turner
Oliver	Vint
Pace	Voigt
Pevehouse	Waggoner
Reader of Erath	White
Reaves	Wood
Reed	Worley
Rhodes	Wright

## Nays—42

Allen	Mays
Anderson	Mohrmann
Bailey	Monkhouse
Bell	Newell
Boethel	Piner
Bradbury	Pope
Broadfoot	Ragsdale
Brown of Cherokee	Reader of Bexar
Burney	Robinson
Cockrell	Russell
Coleman	Shell
Davis of Jasper	Smith of Frio
Derden	Spencer
Faulkner	Stinson
Galbreath	Tarwater
Hale	Tennant
Harp	Vale
Holland	Weldon
Keith	Wells
Kersey	Westbrook
Lock	Winfree

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Allison	Howard
Baker of Grayson	McNamara
Bond	Morris
Bray	Petsch
Bridgers	Schuenemann
Corry	Segrist
Crossley	Smith
Donaghey	of Matagorda
Hardin	Thornton
Harrell of Bastrop	Wilson

## Absent—Excused

Daniel	Hankamer
Dwyer	Hardeman

(Pending the verification, Mr. Wood occupied the Chair temporarily.)

(Mr. Thornton in the Chair.)

The Speaker announced that the motion to suspend the Rules was lost (not receiving the necessary two-thirds vote).

Mr. Thornberry offered the following amendment to the bill:

Amend House Bill No. 25, at line 2 of Section 1, by striking out the word "directed", and substituting in lieu thereof the word "authorized".

THORNBERRY,  
BOYD.

(Speaker in the Chair.)

Question recurring on the amendment by Mr. Thornberry, it was lost.

Mr. Thornberry offered the following amendment to the bill:

Amend House Bill No. 25, to provide as follows:

"The Board of Regents shall not use any of the local funds nor any of the funds appropriated to it for the purpose of carrying out this Act."

THORNBERRY,  
BOYD.

The amendment was unanimously adopted.

Mr. Alsop offered the following amendment to the bill:

Amend House Bill No. 25, by striking out the words and letters "Reserve Officers Training Corps and/or ROTC", and substituting in lieu thereof wherever they appear in the bill, the words "Civilian Conservation Corps (or CCC)".

ALSUP,  
FAULKNER.

Mr. Petsch raised a point of order, on further consideration of the amendment, at this time, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. McDonald offered the following amendment to the bill:

Amend House Bill No. 25, by adding after the end of Section 1, a new Section to be known as Section 1-A, to read as follows:

"All male students who are physically able and under the age of twenty-one (21) years shall be compelled to take at least two (2) years of military training."

Mr. Goodman moved the previous question, on the pending amendment,

and the final passage of House Bill No. 25, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Kinard moved the previous question, on the pending amendment, and the final passage of House Bill No. 25, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—54

Allison	Hamilton
Anderson	Harp
Baker	Harrell of Bastrop
of Fort Bend	Hartzog
Blankenship	Holland
Boethel	Kennedy
Bradbury	Kerr
Brown of Cherokee	Kersey
Brown	Kinard
of Nacogdoches	Lehman
Burney	Lock
Celaya	London
Clark	Mohrmann
Cleveland	Monkhouse
Cockrell	Nicholson
Coleman	Pace
Colquitt	Pope
Corry	Reader of Erath
Crossley	Riviere
Davis of Jasper	Robinson
Derden	Smith of Hopkins
Dickson	Spencer
Dowell	Talbert
Felty	Tarwater
Ferguson	Vale
Fielden	Wells
Galbreath	Winfree
Goodman	Wright

Nays—64

Allen	Dickson
Alsup	Donaghey
Bailey	Faulkner
Bell	Fuchs
Bond	Gordon, Mrs.
Boyd	Hardin
Boyer	Harper
Bradford	Harrell of Lamar
Bridgers	Harris
Bundy	Howard
Burkett	Howington
Cauthorn	Hunt
Chambers	Johnson of Ellis
Cornett	Johnson of Tarrant
Davis of Upshur	Kern
Dean	King

Langdon	Russell
Leyendecker	Segrist
Little	Smith of Frio
McAlister	Stoll
McDonald	Taylor
McMurry	Tennant
McNamara	Thornberry
Montgomery	Thornton
Morris	Turner
Newell	Vint
Pevehouse	Waggoner
Reaves	Weldon
Reed	Westbrook
Rhodes	Wilson
Roach	Wood
Roberts	Worley

Present—Not Voting

Reader of Bexar

Absent

Baker of Grayson	McFarland
Bray	Oliver
Broadfoot	Petsch
Colson, Mrs.	Piner
Gilmer	Ragsdale
Hale	Schuenemann
Heflin	Shell
Hull	Skiles
Isaacks	Smith
Keith	of Matagorda
Leonard	Stinson
Loggins	Voigt
Mays	White
McDaniel	

Absent—Excused

Daniel	Hankamer
Dwyer	Hardeman

Question—Shall the amendment by Mr. McDonald be adopted?

#### RELATIVE TO SENATE BILL NO. 356

On motion of Mr. Worley, and by unanimous consent of the House, the caption of Senate Bill No. 356 was ordered amended to conform to all changes and with the body of the bill.

#### ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 195

Mr. Loggins submitted the following Conference Committee Report on House Bill No. 195:

Austin, Texas, June 5, 1939.

Honorable Coke R. Stevenson, President of the Senate.

Honorable R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the dif-



ferences between the Senate and House on House Bill No. 195, have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that said House Bill No. 195 be adopted in the form hereto attached.

Respectfully submitted,

BURNS,  
PACE,  
GRAVES,  
HARDIN,  
AIKIN,

On the part of the Senate.

LOGGINS,  
HARRELL of Bastrop,  
MORRIS,  
VALE,  
McNAMARA,

On the part of the House.

H. B. No. 195

#### A BILL

To Be Entitled

An Act regulating the practice of chiropody; providing the terms of members of the Board of Chiropody Examiners; prescribing their duties; providing for the examination and licensing of applicants to practice chiropody and the recording of licenses issued to chiropodists; providing for annual registration; providing civil and criminal remedies and penalties for violation of the laws regulating the practice of chiropody; amending Articles 4568, 4569, 4570, 4571 and 4572 of the Revised Civil Statutes of Texas of 1925; and also amending Article 778 of the Penal Code of Texas, 1925; and amending Chapter 11, Title 12 of the Penal Code of Texas, 1925, by adding thereto a new Article, to be known as Article 778-a; and otherwise regulating and protecting public health, as dealt with in the profession of chiropody, as in the Act set out; repealing all laws and parts of laws in conflict therewith, and declaring certain legislative intent with respect to this Act, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Article 4568 of the Revised Civil Statutes of Texas of 1925

is hereby amended so that the same shall hereafter read as follows:

"Article 4568. The State Board of Chiropody Examiners shall consist of six (6) reputable practicing chiropodists who have resided in the State of Texas, and who have been actively engaged in the practice of chiropody for a period of five (5) years immediately preceding their appointment, none of whom shall be members of the faculty of any chiropody college, or the chiropody department of any medical college, or shall have a financial interest in such colleges. The term of office of each member of said Board shall be six (6) years, except as to the first Board appointed hereunder. Two (2) of its members shall serve for a period of two (2) years; two (2) of its members shall serve for a period of four (4) years; and two (2) of its members shall serve for a period of six (6) years. The respective terms of the first members so appointed shall be designated by the Governor so appointing them, within thirty (30) days after this Act becomes effective. The six (6) members of said Board shall be appointed by the Governor of this State, two (2) to serve two (2) years, two (2) to serve four (4) years, and two (2) to serve six (6) years, or until their successors have been appointed and qualified. Thereafter, at the expiration of the term of each member first appointed, his successor shall be appointed by the Governor of this State and he shall serve for a term of six (6) years, or until his successor shall be appointed and qualified. The members of the State Board of Chiropody Examiners shall, before entering upon the duties of their offices, qualify, by subscribing to, before a notary public or other officer authorized by law to administer oaths, and filing with the Secretary of State, the Constitutional oath of office. They shall, as soon as organized, and biennially thereafter in the month of January, elect from their number a President, Vice-President and Secretary-Treasurer. The Secretary-Treasurer, before entering upon his duties, shall file a bond with the Secretary of State for such sum as will be twice the amount of cash on hand at the time the bond is filed; provided, however, that the amount of said bond shall, in no case, be less than Five Thousand (\$5,000.00) Dol-

lars. Said bond shall be payable to the Governor of this State, for the benefit of said Board; shall be conditioned upon the faithful performance of the duties of such officer; and shall be in such form as may be approved by the Attorney General of this State; and shall be executed by a surety company, as surety, and be approved by the State Board of Chiropody Examiners.

"Said State Board of Chiropody Examiners shall hold meetings at least twice a year and special meetings when necessary at such times and places as the Board deems most convenient for applicants for examinations for license. Due notice of such meetings shall be given by publication in two (2) daily newspapers as may be selected by the Board. Special meetings shall be held upon request of a majority of the members of the Board, or upon the call of the President. Four (4) members of the Board shall constitute a quorum for the transaction of business and should a quorum not be present on the day appointed for any meeting, those present may adjourn from day to day until a quorum be present.

"The Board shall adopt all reasonable or necessary rules, regulations, and by-laws, not inconsistent with this Act, the laws of this State, or of the United States, to govern its proceedings and activities, the regulation of the practice of chiropody and the enforcement of this Act. The Board shall have power to appoint committees from its own membership, the duties of which shall be to consider such matters pertaining to the enforcement of this Act and the regulations promulgated in accordance therewith as shall be referred to said committees, and to make recommendations to the Board with respect thereto; to employ the services of stenographers, inspectors, and other necessary assistants in the carrying out of the provisions of this Act. The Board, any committee, or any members thereof shall have the power to issue subpoenas and to compel the attendance of witnesses and the production of books, records, and documents, to administer oaths and to take testimony concerning all matters within its or his jurisdiction. The Board shall not be bound by the strict rules of procedure or by the laws of evidence in the conduct of its pro-

ceedings, but the determination shall be founded upon sufficient legal evidence to sustain it. The Board shall have the right to institute an action in its own name to enjoin the violation of any of the provisions of this Act or the regulations promulgated in accordance therewith, and in such connection a temporary injunction may be granted. Said action for an injunction shall be in addition to any other action, proceeding or remedy authorized by law. The Board shall adopt a seal, which shall be used on official documents. The design of the seal shall be similar to the seal of other departments of the State, in that it shall contain the five-pointed star with a circular border, and within the border shall contain the words, 'Texas State Board of Chiropody Examiners'. The Secretary-Treasurer of the Board shall keep a correct record of all the proceedings of the Board, and of all moneys received or expended by the Board, which record shall be open to public inspection at all reasonable times. The records shall include a record of proceedings relating to examination of applicants, and the issuance, renewal, or refusal of certificates of registration; and they shall also contain the name, age, known place of residence, the name and location of the school of chiropody from which he holds credentials and the time devoted to the study and practice of the same, together with such other information as the Board may desire to record. Said record shall also show whether applicants were rejected or licensed and shall be prima facie evidence of all matters therein contained. A certified copy of said record, with the hand and seal of the Secretary of said Board, shall be admitted as evidence in all courts. Every license and annual renewal certificate issued shall be numbered and recorded in a book kept by the Secretary-Treasurer of the Board. The records shall be kept by the Secretary-Treasurer of the Board, and such records shall be audited biennially during the month of January by a certified public accountant; a report of the findings of such audit shall be made to the Governor of this State, and a copy of said report shall be delivered to the Secretary-Treasurer of the Board, who shall retain same as a permanent record of the office.

"The Board shall cause the prosecu-

tion of all persons violating any of the provisions of this Act and may incur the expense reasonably necessary in that behalf."

Sec. 2. Article 4569 of the Revised Civil Statutes of Texas of 1925 is hereby amended so that the same shall hereafter read as follows:

"Article 4569. It shall be the duty of the Board to examine all applicants for license to practice chiropody in this State, and the Board shall examine and grade all papers submitted by such applicants and report to such applicants, within sixty (60) days from the date of any meeting of said Board, and said report shall give to such applicant the grades made by such applicant upon each and every subject upon which he or she was examined by said Board. Each person applying for examination shall pay to the Board a fee of Thirty-five (\$35.00) Dollars at least fifteen (15) days before the date set by the Board for the examination, and upon passing a satisfactory examination before said Board on subjects pertaining to chiropody, shall be granted a license to practice chiropody in this State. The subjects one must be examined in are anatomy, chemistry, dermatology, diagnoses, materia-medica, pathology, physiology, chiropody, bacteriology, and mechanical orthopedics, limited in their scope to the treatment of ailments of the human foot, and the examinations are to be written in the English language. Any applicant failing in the examination and being refused a license shall be entitled to a re-examination, at the next regular session of said Board within one year. Any applicant failing on re-examination shall be required to pay an additional fee and shall be required to be re-examined in all subjects."

Sec. 3. Article 4570 of the Revised Civil Statutes of Texas of 1925 is hereby amended so that the same shall hereafter read as follows:

"Article 4570. All applicants for license to practice chiropody in this State, not otherwise licensed under the provisions of law, shall present satisfactory evidence to the State Board of Chiropody Examiners that such applicants have attained the age of twenty-one (21) years, are of good moral character and are free of all contagious and communicable diseases, and furnish a certified certificate of

health to that effect, and are citizens of the United States of America and who are graduates of at least a sixteen (16) unit high school, whose credits are acceptable without condition for matriculation at the State University of the State in which applicant's high school graduation was attained. The applicant shall present satisfactory evidence of graduation from a bona fide reputable school of chiropody in the form of a diploma which has conferred the degree of Doctor of Surgical Chiropody, to the State Board of Chiropody Examiners. Such chiropody schools may be considered reputable, within the meaning of this Act, whose entrance requirements and course of instruction are as high as those adopted by the University of Texas, and whose course of instruction shall embrace at least four (4) terms of at least eight (8) months each, and which meets the requirements of the State Board of Chiropody Examiners. Provided, however, the Board may, in its discretion, accept applicants from chiropody schools whose course of instruction embraces at least three (3) terms of at least eight (8) months each; and provides for one term of eight (8) months instruction in a recognized college of liberal arts or sciences shall be approved by this Board."

Sec. 4. Article 4571 of the Revised Civil Statutes of Texas of 1925, is hereby amended so that the same shall hereafter read, as follows:

"Article 4571. On or before the first day of September, 1939, and on or before September 1st of each succeeding year, every chiropodist licensed in this State shall pay to the Secretary-Treasurer of the State Board of Chiropody Examiners an annual renewal fee of Ten (\$10) Dollars for the renewal of his license to practice chiropody for the current year. On receipt of said renewal fee the Board shall issue an annual renewal certificate bearing the number of the license, the year for which renewed and other information from the records of said Board that said Board may deem necessary. When a chiropodist shall fail to pay his annual renewal fee by March 1st, it shall be the duty of the Board of Chiropody Examiners to notify such chiropodist at his last known address, by mail, that said annual renewal fee is due and unpaid. Thirty (30) days after the date of mailing said notice, it

shall be the duty of the Board under this Act to declare the license suspended or revoked for nonpayment of the annual renewal fee. The Board shall notify the District Clerk of the county in which such license may have been recorded and such clerk, upon receipt of notification from said Board, shall enter upon the chiropody register of such county the fact that such license is suspended or revoked for nonpayment of the annual renewal fee, and shall notify the Board in writing that such entry has been made. Practicing chiropody without an annual renewal certificate for the current year, as provided herein, shall have the same force and effect and subject to all penalties of practicing chiropody without a license. After the Board has declared a license suspended or revoked, as provided for in this Act, the Board may thereafter in its discretion refuse to reinstate such license or issue a new license until such chiropodist, whose license has been declared suspended or revoked for non-payment of annual renewal fee, has passed a regular examination for license, as provided for by this Act. If any license issued under this or any former law in Texas shall be lost or destroyed, the holder of said license may present his application to the Board for duplicate license, together with his affidavit of loss or destruction, and that he is the same person to whom said license was issued, and shall, upon the payment of a fee of Ten (\$10) Dollars, be granted a license under this law. If the records of said Board fail to show that such person was ever licensed, the Board may exercise its discretion in granting said duplicate license.

"Every person practicing chiropody in this State shall display the license and annual renewal certificate in a conspicuous place in the office wherein he practices chiropody and whenever required shall exhibit such license or certificate to the Board or its authorized representative."

Sec. 5. Article 4572 of the Revised Civil Statutes of Texas of 1925 is hereby amended so that the same shall hereafter read as follows:

"Article 4572. The State Board of Chiropody Examiners may, in its discretion, upon payment by the applicant of a registration fee of One Hundred Dollars, grant a license to practice chiropody to any reputable chiropodist who is a graduate of a

reputable college of chiropody, and to licentiates of other States or territories having requirements for chiropody registration and practice equal to those established by this law. Application for license, under provisions of this Act, shall be in writing and upon a form to be prescribed by the State Board of Chiropody Examiners. Said application shall be accompanied with a diploma or photograph thereof awarded to the applicant by a reputable college of chiropody lawfully issued to the applicant by some other State or territory, and also be accompanied by an affidavit from the President or Secretary of the Board of Chiropody Examiners who issued the said license, or by the legally constituted chiropody registration office of a State or territory in which the certificate or license was granted upon which the application for chiropody registration in Texas is based. Said affidavit shall recite that the accompanying certificate or license has not been cancelled or revoked and that the statement of qualifications made in the application for chiropody registration in Texas is true and correct. Applicants for license under provisions of this Act shall subscribe to an oath in writing, which shall be a part of said application stating that the license or certificate or authority under which the applicant practiced chiropody in the State or territory from which the applicant removed was, at the time of such removal, in full force and not suspended or cancelled. That the applicant is the identical person to whom said certificate of license or said chiropody diploma was issued and that no proceedings were pending at the time of such removal, or are at the present time pending, against the applicant for the cancellation of such certificate, license or authority to practice chiropody in the State or territory in which the same was issued; and that no prosecution was then or is at the time of the application pending against the applicant in any State or Federal Court for any offense, which, under the laws of Texas, is a felony."

Sec. 6. Article 778 of the Penal Code of Texas, 1925, is hereby amended so that the same shall hereafter read as follows:

"Article 778. Chiropody means the diagnosis, medical and surgical treatment of ailments of the human foot.

A chiropodist is one practicing chiropody. Whoever professes to be a chiropodist or practices or assumes the duties incident to chiropody, without first obtaining from the State Board of Chiropody Examiners a license authorizing the practice of chiropody, or who shall employ or agree to employ, pay or promise to pay, any person, persons, firms, partnerships or corporations for securing, soliciting or drumming patients, and any person who accepts or agrees to accept employment or payment for securing, soliciting or drumming patients for a chiropodist shall be punished by a fine of not less than One Hundred (\$100) Dollars, nor more than Five Hundred (\$500) Dollars, or by imprisonment in the county jail for not less than thirty (30) days, nor more than six (6) months, or by both such fine and imprisonment for each offense. Each payment, reward, fee or agreement to pay, or accepting a reward or fee, shall constitute a separate offense."

Sec. 7. Chapter 11, Title 12 of the Penal Code of Texas of 1925 is hereby amended by adding thereto, immediately after Article 778, as amended herein, a new Article, to be entitled Article 778-a, and to read, as follows:

"Article 778-a. It shall be unlawful for any person or persons to practice chiropody in this State under the name of a corporation, company, association, joint stock company or partnership, or trade name, or under any name other than his own proper name, which shall be the name in his license, as issued by the State Board of Chiropody Examiners. Each day of violation of the Article shall constitute a separate offense."

Sec. 8. All laws or parts of laws in conflict herewith are hereby repealed.

Sec. 9. If any Article, Section, Subsection, sentence, clause, or phrase of this Act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of any remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each Section, Subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more of the Sections, Subsections, sentences, clauses or phrases are declared unconstitutional.

Sec. 10. The fact that the present law regulating the practice of chir-

opody is enacted to protect the public health, and that new legislation better protects the public health, creates an imperative public necessity that the Constitutional Rule, requiring all bills to be read on three separate days in each House, be and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Loggins, the Report was adopted by the following vote:

Yeas—116

Allen	Harp
Allison	Harper
Alsup	Harrell of Bastrop
Bailey	Harrell of Lamar
Baker	Harris
of Fort Bend	Hartzog
Bell	Holland
Blankenship	Howard
Boethel	Howington
Bond	Hull
Boyd	Johnson of Ellis
Boyer	Johnson of Tarrant
Bradbury	Keith
Bradford	Kennedy
Bridgers	Kerr
Broadfoot	Kersey
Brown of Cherokee	Kinard
Brown	King
of Nacogdoches	Langdon
Bundy	Lehman
Burkett	Leonard
Cauthorn	Leyendecker
Celaya	Little
Chambers	Lock
Clark	Loggins
Cleveland	Mays
Cockrell	McDonald
Coleman	McMurry
Colquitt	McNamara
Colson, Mrs.	Mohrmann
Cornett	Monkhouse
Corry	Montgomery
Crossley	Morris
Davis of Jasper	Newell
Derden	Nicholson
Dickison	Oliver
Dickson	Pace
Dowell	Petsch
Faulkner	Pevhouse
Ferguson	Piner
Fielden	Pope
Fuchs	Ragsdale
Galbreath	Reader of Bexar
Goodman	Reader of Erath
Hale	Reaves
Hamilton	Reed
Hardin	Rhodes

Riviere	Thornberry
Roach	Thornton
Robinson	Turner
Russell	Vale
Segrist	Vint
Shell	Waggoner
Smith of Hopkins	Wells
Stinson	White
Stoll	Wilson
Talbert	Winfree
Tarwater	Worley
Tennant	Wright

## Nays—14

Anderson	London
Bray	Roberts
Burney	Smith of Frio
Davis of Upshur	Spencer
Donaghey	Taylor
Hunt	Weldon
Kern	Wood

## Absent

Baker of Grayson	McDaniel
Felty	McFarland
Gilmer	Schuenemann
Gordon, Mrs.	Skiles
Heflin	Voigt
Isaacks	Westbrook
McAlister	

## Absent—Excused

Daniel	Hardeman
Dean	Smith
Dwyer	of Matagorda
Hankamer	

## NOTICE GIVEN

Mr. Derden gave notice, that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 451, which bill was heretofore laid on the table subject to call.

BILLS AND RESOLUTION SIGNED  
BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolution:

S. C. R. No. 61, Providing for adjournment sine die.

S. B. No. 240, "An Act regulating fishing in Burnet, Llano, San Saba, and Travis Counties; providing for size and bag limits of fish caught or taken from waters in such Counties and making it unlawful to take or catch fish from the waters of Buch-

anan, Inks, Marshal Ford, Marble Falls, and Tom Miller Lakes except by certain means or the use of certain devices, and declaring an emergency."

S. B. No. 171, "An Act providing for voluntary apprenticeship to open to young people the opportunity to obtain training that will equip them for profitable employment and citizenship; etc., and declaring an emergency."

S. B. No. 488, "An Act to amend Section 1 of Senate Bill No. 275, of the Acts of the Forty-sixth Legislature, Regular Session of 1939, and to provide that all processes and writs issued and served and recognizances and bonds and undertakings entered into before this Act takes effect and made returnable to the 87th Judicial District in Limestone, Freestone, Anderson, and Leon Counties, etc., and declaring an emergency."

S. B. No. 485, "An Act to validate all ad valorem tax levies and assessments heretofore made by incorporated cities and towns in the State of Texas having a population of not less than three thousand, four hundred and fifty (3,450) inhabitants and not more than three thousand, four hundred and fifty-five (3,455), according to the last Federal Census, which levies and assessments are void or unenforceable because of the failure of the governing body of each respective incorporated city and town to make such levy by ordinance, etc., and declaring an emergency."

H. B. No. 943, "An Act to amend Sections 1, 2, 3, 4, 6, 12, 21, 22, and to repeal Sections 5, 7, 14 and 18, of an Act relating to the bonding and licensing of dealers in citrus fruit in the State of Texas and being House Bill No. 99 of the Acts of the Forty-fifth Legislature as amended by Senate Bill No. 24 of the Acts of the First Called Session of the Forty-fifth Legislature, etc., and declaring an emergency."

H. B. No. 1050, "An Act to amend Chapter 3 of Title 128 of the Revised Statutes of 1925, relating to water control and preservation districts by providing that lands in any such district lying within or adjoining the territorial limits of an incorporated city or town, which was not included in such district at time of the organization of such district, and which lands have been subdivided into town

lots and blocks, with streets or other thoroughfares dedicated to the use of the public, and of which a map and such dedication has been duly filed for record with the County Clerk of the county in which lands are situated, may be discontinued as part of such district; providing that the Board of Directors may pass resolutions excluding such territory; providing that the owners of such lands may petition the district for an election to determine the question of whether the lands shall be withdrawn, and for the holding of such an election and providing that lands so withdrawn shall no longer be entitled to be served with water from the irrigation system, and that such lands shall be charged with their pro rata part of existing indebtedness of the said district, and providing that the owner or owners of such lands may pay the total of their pro rata at any time."

H. B. No. 387, "An Act to amend Article 1970, Revised Civil Statutes of Texas, 1925, by diminishing the jurisdiction of the County Court of Red River County, Texas, in certain criminal cases; and conforming the jurisdiction of the District Court of such County to such change; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 249, "An Act concerning the liquidation, rehabilitation, reorganization or conservation of insurers doing business in more than one State, and placing same under the Board of Insurance Commissioners; providing for the appointment of a liquidator by the Board of Insurance Commissioners; defining certain words and phrases used in this Act; providing for the appointment of a liquidator of the Board as receiver for an insurer and outlining his duties as such receiver; providing for ancillary delinquency proceedings and providing method of filing claims of resident and non-resident claimants, outlining priority of various types of claims; defining powers of receivers and ancillary receivers, and declaring an emergency."

H. B. No. 526, "An Act authorizing the Commissioner of Agriculture of this State to establish and maintain quarantine regulations in order to prevent the introduction into or the spread within this State of pests and diseases for the protection of agri-

cultural industry of this State and to provide for the inspection of things and plants with reference to such quarantine, requiring persons to notify the Commissioner of Agriculture of the arrival of such things and plants against which a quarantine has been established and to hold them for inspection, and providing for the disposal of such infected things or plants by the Commissioner of Agriculture and further providing the manner of declaring such quarantines and providing for investigation by the Commissioner of Agriculture in order to determine the existence of such pests and diseases and authorizing him to declare and enforce quarantine in order to prevent the spread thereof, and declaring an emergency."

#### ADJOURNMENT

Mr. Derden moved that the House recess until 10:00 o'clock a. m., tomorrow.

Mr. Bond moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion to adjourn prevailed, and the House, accordingly, at 5:10 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

#### APPENDIX

#### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Appropriations: House Bill No. 1135.

State Affairs: House Bills Nos. 409, 1137 and 1138; House Concurrent Resolution No. 171.

Public Lands and Buildings: House Bill No. 1139 Senate Bill No. 373.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, June 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1136, A bill to be entitled "An Act amending Article 2844 of the

Revised Civil Statutes of Texas of 1925, as amended, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

WELDON, Vice-Chairman.

Austin, Texas, June 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1126, A bill to be entitled "An Act making an appropriation of the sum of Seventy-five Thousand Dollars (\$75,000.00) or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses and per diem of Members, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

WELDON, Vice-Chairman.

Austin, Texas, June 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1078, A bill to be entitled "An Act amending Sections 1 and 3 of Article 1105B of the 1925 Revised Civil Statutes of Texas, enacted by Acts of the First Called Session, Fortieth Legislature, 1927, page 489, Chapter 106; authorizing incorporated cities, towns, and villages incorporated under either General or Special Law, including those operating under a special charter or charter adopted pursuant to the home rule provisions of the Constitution, or any amendment or amendments thereto, to cause to be improved streets, avenues, alleys, highways, boulevards, drives, public places, squares, or any portion or portions thereof; to assess part of the cost against abutting property and owners thereof and against railroads, street railroads, or interurbans and the owners thereof, so that such improvements and assessments may be made although such streets, avenues, alleys, highways, boulevards, drives, public places, squares, or any portion or portions thereof lie without the corporate limits of such cities, towns, and villages, if that part to be improved lies immediately adjacent to and adjoins such corporate limits,

and although the property abutting thereon is located outside such corporate limits; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

WELDON, Vice-Chairman.

## REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, June 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 132, "An Act making it unlawful for anyone representing any applicant or recipient of assistance to the aged, needy blind, dependent child, or child welfare service, with respect to applications before the State department, to charge a fee in excess of Ten Dollars (\$10.00) in representing such applicant; and making it unlawful for anyone to advertise, hold himself out for, or solicit the procurement of assistance or service; and making it unlawful for anyone to solicit or collect dues or money, for themselves or for others, for the purpose or pretended purpose of collecting or advertising or sponsoring old age pensions or benefits for any person from the Social Security program as it applies to old age assistance, needy blind persons and dependent and destitute children; making provisions for certain organizations; prescribing a penalty for violation of the provisions of this Act; authorizing the Attorney General to bring civil suits to enforce this Act, and placing venue of said suits in Travis County; repealing all laws or parts of laws in conflict herewith; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1050, "An Act to amend Chapter 3 of Title 128 of the Revised Civil Statutes of Texas of 1925, relating to Water Control and Preserva-



tion Districts by providing that lands in any such District lying within or adjoining the territorial limits of an incorporated city or town, which was not included in such district at time of the organization of such district, and which lands have been subdivided into town lots and blocks, with streets or other thoroughfares dedicated to the use of the public, and of which a map and such dedication has been duly filed for record with the County Clerk of the County in which such lands are situated, may be discontinued as part of such District; providing that the Board of Directors may pass resolutions excluding such territory; providing that the owners of such lands may petition the District for an election to determine the question of whether the lands shall be withdrawn, and for the holding of such an election and providing that lands so withdrawn shall no longer be entitled to be served with water from the irrigation system, and that such lands shall be charged with their pro rata part of existing indebtedness of the said District, and providing that the owner or owner of such lands may pay the total of their pro rata at any time, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 387, "An Act to amend Article 1970, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1937, Forty-fifth Legislature, Regular Session, page 1135, Chapter 457, by diminishing the jurisdiction of the County Court of Red River County, Texas, in certain criminal cases; and conforming the jurisdiction of the District Court of such County to such change; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 886, "An Act providing that County Commissioners' Courts and the municipal government of any incorporated city, town, or village, may appoint, employ, and pay case workers and investigators to make investigations of needy persons to whom may be supplied necessities, furnished by the Texas Relief Commission, any proper Federal Agency, or by counties or cities or by any one of said agencies, commission, city, or county; providing that in no case shall there be employed more than one case worker or investigator to every one hundred thousand (100,000) inhabitants of each county of this State; providing that County Commissioners' Courts in this State in conjunction with municipalities and governments of any incorporated city, town, or village may enter into an agreement to jointly appoint, employ, and pay the salary of case workers or investigators to make investigations of needy persons to whom may be supplied necessities furnished by the Texas Relief Commission or any proper Federal Agency or by counties or cities, or by any one of said agencies, commission, cities, or counties in such proportionate parts as may be agreed upon by the said Commissioners' Court of any county and any municipal government situated in said county; providing compensation for such case worker so employed and appointed may not exceed Fifteen Hundred Dollars (\$1,500.00) per annum; providing the duties of such case workers and investigators; providing that the employment, appointment, and paying of such case worker shall be discretionary with the Commissioners' Courts of any county in this State; providing this Act shall remain in force and effect for a period of two (2) years, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 192, In memory of the Honorable Richard W. Mayfield.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 188, Authorizing the Enrolling Clerk to make certain changes in House Bill No. 387.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 181, "An Act to extend for an additional period of twenty (20) years the provisions of Chapter 22, Acts of the Third Called Session of the Thirty-sixth Legislature and to amend same in other particulars so as to read and be as provided for herein and to aid the City of Aransas Pass in constructing and maintaining sea walls, breakwaters, levees, channels, and other shore protections, including wharves forming part or parts of same in order to protect said City from calamitous overflows by donating to it the five-ninths of the ad valorem taxes collected on property and from persons in San Patricio County and to aid the City of Sinton, Texas, in constructing a drainage and canal system, including ditches, breakwaters, bridge structures, and other protection necessary to both storm and sanitary drainage by donating to it three-ninths of the ad valorem taxes collected on property and from persons in San Patricio County for a period ending August 31, 1960; and providing for a penalty for misapplication of moneys thus donated; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 180, "An Act to amend Chapter 23 of the Acts of the Third Called Session of the Thirty-sixth Legislature of the State of Texas, same being an Act entitled: 'An Act to aid the City of Rockport in constructing sea walls, breakwaters, revetments, and shore protections by donating to the city the ad valorem taxes to be collected by the State of Texas on all property, and from all persons owning property situated in Aransas County, Texas, for a period of twenty (20) years, and to authorize said City to issue bonds for the purpose mentioned, and to provide a penalty for the misapplication of funds raised therefrom, and to declare an emergency'; by extending the provisions of said Act for a period of forty (40) years from September 1, 1920, and to aid the City of Rockport to pay interest and sinking funds upon outstanding bonds heretofore issued, the proceeds of which have been used exclusively in constructing and maintaining sea walls, breakwaters, and shore protection to protect the City of Rockport and to issue bonds for the purpose of constructing sea walls, breakwaters, revetments, and shore protection to protect the said City of Rockport; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 526, "An Act authorizing and making it the duty of the Commissioner of Agriculture to establish, maintain and enforce a quarantine against any dangerous insect pest or plant disease not heretofore widely distributed within the State; providing that the Commissioner shall prevent the movement from such quarantined areas into this State of any plants, plant products, things or substances which may disseminate the pest or plant disease; providing for the movement of such plants, plant

products, things or substances under certain safeguards; providing that nothing in this Act shall authorize the Commissioner or the Department of Agriculture to expend money without the State of Texas, or to send employees without the State of Texas, or to employ persons without the State of Texas; providing the provisions of this Act shall apply solely to diseases, pests and infections common to citrus fruit; naming certain insect pests and plant diseases and declaring them public menaces; and prohibiting the movement of citrus trees or fruits from certain areas where such pests and diseases are known to exist; providing that the Commissioner of Agriculture shall issue certificates of inspection; prohibiting the movement of citrus nursery stock or citrus fruit without such certificate; providing certain exceptions; prohibiting the transportation of citrus nursery stock or citrus fruit originating without this State unless bearing a certificate of inspection of the State in which it originates; providing that transportation companies or common carriers shall not be liable for damages to the consignee or consignor for refusing to transport or deliver stocks, nursery stock or fruit when not accompanied by certificates; providing a penalty for the violation hereof; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 943, "An Act to amend Sections 1, 2, 3, 4, 6, 12, 21, 22, and to repeal Sections 5, 7, and 18 of an Act relating to the bonding and licensing of dealers in citrus fruit in the State of Texas and being House Bill No. 99 of the Acts of the Forty-fifth Legislature, as amended by Senate Bill No. 24 of the Acts of the First Called Session of the Forty-fifth Legislature; providing that nothing in this Act shall be construed as affecting the Anti-Trust Laws of this State, and should this Act in any manner affect said Laws, the entire Act shall fall and be held for naught; provid-

ing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

## SENT TO THE GOVERNOR

June 13, 1939

House Bill No. 180.  
House Bill No. 1098.  
House Bill No. 886.  
House Bill No. 181.  
House Bill No. 1060.  
House Bill No. 1021.  
House Bill No. 1110.  
House Bill No. 828.  
House Bill No. 1094.  
House Bill No. 1101.  
House Bill No. 1071.  
House Bill No. 1107.  
House Bill No. 1081.  
House Bill No. 1099.  
House Bill No. 907.  
House Bill No. 1118.  
House Bill No. 132.  
House Concurrent Resolution No. 188.  
House Concurrent Resolution No. 192.

## EIGHTY-THIRD DAY

(Wednesday, June 14, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Bundy
Allen	Burkett
Allison	Burney
Alsup	Cauthorn
Anderson	Celaya
Bailey	Chambers
Baker	Clark
of Fort Bend	Cleveland
Bell	Cockrell
Blankenship	Coleman
Boethel	Colquitt
Bond	Colson, Mrs.
Boyd	Cornett
Boyer	Crossley
Bradbury	Daniel
Bradford	Davis of Jasper
Bray	Davis of Upshur
Bridgers	Dean
Broadfoot	Derden
Brown of Cherokee	Dickison
Brown	Dickson
of Nacogdoches	Donaghey